

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
EIGHTY-THIRD CONGRESS
OF THE UNITED STATES OF AMERICA

1954

AND

REORGANIZATION PLANS AND PROCLAMATIONS

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IN TWO PARTS

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PUBLIC LAWS AND REORGANIZATION PLANS



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PUBLIC LAWS

Public Laws

ENACTED DURING THE

SECOND SESSION OF THE EIGHTY-THIRD CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Wednesday, January 6, 1954, the House of Representatives adjourning sine die on Friday, August 20, 1954, and the Senate adjourning sine die on Thursday, December 2, 1954. DWIGHT D. EISENHOWER, President; RICHARD M. NIXON, Vice President; JOSEPH W. MARTIN, Jr., Speaker of the House of Representatives.

Public Law 289

CHAPTER 1

AN ACT

January 30, 1954
[S. 727]

To provide that certain costs and expenses incurred in connection with certain repayment contracts with irrigation districts approved by the Acts of Congress of May 6, 1949 (63 Stat. 62), October 27, 1949 (63 Stat. 941), and June 23, 1952 (66 Stat. 151, 153), shall be nonreimbursable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all costs and expenses, not in excess of a total of \$100,000, incurred by the United States in negotiating and completing contracts with the Deaver, Prosser, and Belle Fourche irrigation districts approved by the Act of Congress of October 27, 1949 (63 Stat. 941), and with the Willwood, Bitterroot, Kittitas, and Okanogan irrigation districts approved by the Act of Congress of May 6, 1949 (63 Stat. 62), and with the Frenchtown irrigation district approved by the Act of Congress of June 23, 1952 (66 Stat. 151, 153) in making the investigation in connection therewith, and in future determinations under said contracts with respect to the productivity of temporarily unproductive lands shall be, to the extent that such costs and expenses have not been included in the restated repayment obligations of the irrigation districts involved, nonreimbursable and nonreturnable under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto).

Irrigation dis-
tricts.
Repayment con-
tracts.

43 USC 371.

Approved January 30, 1954.

Public Law 290

CHAPTER 2

January 30, 1954
[H. R. 6665]

AN ACT

To amend certain provisions of the Agricultural Adjustment Act of 1938, as amended.

63 Stat. 670.
7 USC 1344.

Cotton acreage
allotments, 1954.
Increases; ap-
portionments.

Limitations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 344 of the Agricultural Adjustment Act of 1938, as amended, is hereby amended by adding at the end thereof the following:

“(m) Notwithstanding any other provision of law—

“(1) The national acreage allotment established under subsection (a) of this section for the 1954 crop of cotton shall be increased to twenty-one million acres and apportioned to the States in the same manner in which the national acreage allotment heretofore established for 1954 was apportioned to the States. In addition to such increased national acreage allotment, and in order to provide equitable adjustments in 1954 farm acreage allotments, (A) three hundred and fifteen thousand additional acres shall be prorated as follows: one-half to the States of Arizona, California, and New Mexico, and one-half to the other States (excluding those which received a minimum allotment under subsection (k) of this section), the proration of each half being made to the States participating therein on the basis of their respective shares of the increased national acreage allotment, and (B) such additional acreage shall be added as may be required to provide each State a total allotment under subsection (b) of this section and the provisions of this paragraph of not less than 66 per centum of the acreage planted to cotton in the State in 1952. The additional acreage made available to States under clause (B) of the preceding sentence shall not be taken into account in establishing future State acreage allotments. The additional acreage made available to States under the provisions of this paragraph (1) shall be apportioned to counties on the basis of their respective shares of the State acreage allotment heretofore apportioned pursuant to subsection (e) of this section, and the additional acreage shall be apportioned to farms pursuant to the provisions of subsection (f) of this section: *Provided*, That, if the county committee determines that such action will result in a more equitable distribution of the additional county allotment among farms in the county, the additional acreage shall be apportioned by the county committee to farms so as to provide each farm with an allotment equal to the larger of 65 per centum of the average acreage planted to cotton on the farm in 1951, 1952, and 1953 (as determined by the county committee in establishing allotments under subsection (f) of this section) or 40 per centum of the highest acreage planted to cotton on the farm in any one of such three years as so determined: *Provided*, That the State committee in each State shall limit such increase based on the system of farming, soil, crop-rotation practices, and other physical factors affecting production in such State, to an acreage not in excess of 50 per centum of the cropland on the farm, as determined under regulations heretofore prescribed by the Secretary. If the additional acreage is insufficient to meet the total of the farm increases so computed, such farm increases shall be reduced pro rata to the additional acreage available to the county; if the additional acreage available to the county is in excess of the total of the farm increases so computed the acreage remaining after making such increases shall be allotted to farms pursuant to the provisions of subsection (f) (3). Notwithstanding the foregoing provisions of this paragraph, if the State committee determines that such action will result in a more equitable distribution of the additional acreage made available to the State under this paragraph (1) it shall apportion such additional allotment directly

to farms so as to provide each farm with an allotment equal to the larger of 65 per centum of the average acreage planted to cotton on the farm in 1951, 1952, and 1953 (as determined by the county committee in establishing allotments under subsection (f) of this section) or 40 per centum of the highest acreage planted to cotton on the farm in any one of such three years as so determined: *Provided*, That the State committee in each State shall limit such increase based on the system of farming, soil, crop-rotation practices, and other physical factors affecting production in such State, to an acreage not in excess of 50 per centum of the cropland on the farm, as determined under regulations heretofore prescribed by the Secretary: *Provided*, That if the State total of the farm increases so computed exceeds the additional acreage made available to the State under this paragraph, such farm increases shall be reduced pro rata to the additional acreage available to the State. Any acreage unallotted to farms because of the limitations contained in the preceding sentence shall be apportioned by the State committee to counties on the basis of past acreages planted to cotton and shall be used by county committees for adjustments in farm allotments on the basis of one or more of the following: The past acreage of cotton on the farm, the percentage of cropland heretofore determined under subsection (f) (2) of this section, and the factors enumerated in subsection (f) (3) of this section. Before apportioning such unallotted acreage to counties as provided in the foregoing sentence, the State committee may, if it determines that such action is required to provide equitable allotments within the State, apportion such unallotted acreage directly to farms to the extent required to provide each farm with the minimum allotment described in subsection (f) (1) of this section. Any part of the county allotment heretofore established for the 1954 crop which was not apportioned to farms because of the limitation contained in the proviso in subsection (f) (2) of this section shall be available to the State committee and used as provided above for apportionment of unallotted acreage to farms. The provisions of this subsection, except paragraph (2), shall not apply to extra long staple cotton covered by section 347 of this Act.

Unallotted farm
acreage.

“(2) Any part of any 1954 or 1955 farm cotton acreage allotment on which cotton will not be planted and which is voluntarily surrendered to the county committee shall be deducted from the allotment to such farm and may be reapportioned by the county committee to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of past acreage of cotton, land, labor, equipment available for the production of cotton, crop rotation practices, and soil and other physical facilities affecting the production of cotton. If all of the allotted acreage voluntarily surrendered is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used for the same purposes as the State acreage reserve under subsection (e) of this section. Any allotment transferred under this provision shall be regarded for the purposes of subsection (f) of this section as having been planted on the farm from which transferred rather than on the farm to which transferred, except that this shall not operate to make the farm from which the allotment was transferred eligible for an allotment as having cotton planted thereon during the three-year base period: *Provided*, That notwithstanding any other provisions of law, any part of any 1954 or 1955 farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided herein. Acreage surrendered, reapportioned under this paragraph, and planted shall be credited to the State and county in determining future acreage

66 Stat. 759.
7 USC 1347.
Reapportionment
of surrendered
acreage.

Extra long staple
cotton.
7 USC 1347.
Reserve acreage.

allotments. The provisions of this paragraph shall apply also to extra long staple cotton covered by section 347 of this Act.

"(3) Notwithstanding any other provision of this section or other provision of law, the acreage allotted to any State for 1954 under the provisions of subsection (b) of this section and the provisions of paragraph (1) of this subsection which is less than one hundred thousand acres but more than thirty thousand acres shall be increased by an acreage equal to 15 per centum of the acreage allotted to it prior to the enactment of this subsection. Such acreage shall be used by the State committee as a reserve to make equitable adjustments in 1954 farm acreage allotments on the basis of land, labor, equipment available for the production of cotton, crop-rotation practices, past acreages of cotton, soil, and other physical factors affecting the production of cotton."

7 USC 1344 (h).
Reallocation of
flood lands.

SEC. 2. Section 344 (h) of the Agricultural Adjustment Act of 1938 is amended by adding at the end thereof the following: "In any county in which a major flood-control reservoir constructed by the United States Government shall have been located wholly or in part, acreage allotments for the production of cotton on the lands within such reservoir, which lands, because of permanent or perennial flooding occasioned by the construction of such reservoir, shall be unfit for further cotton production, may be reallocated, within the discretion of the county committee, to other lands within the county as will in the opinion of said committee best serve the public interest."

7 USC 1344.
Amendments ef-
fective in 1955.

SEC. 3. Section 344 of the Agricultural Adjustment Act of 1938, as amended, is further amended, effective beginning with the 1955 crop, as follows:

(a) By striking the period at the end of subsection (e) and inserting in lieu thereof a comma and adding "or to correct inequities in farm allotments and to prevent hardship."

(b) By striking out in subsection (f) (3) the colon before the word "Provided" and inserting in lieu thereof a comma and adding "or in making adjustments in farm acreage allotments to correct inequities and to prevent hardship:".

(c) By adding a new paragraph "6" at the end of subsection (f) to read as follows:

"(6) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, if the county committee recommends such action and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county, the county acreage allotment, less the acreage reserved under paragraph (3) of this subsection, shall be apportioned to farms on which cotton has been planted in any one of the three years immediately preceding the year for which such allotment is determined, on the basis of the acreage planted to cotton on the farm during such three year period. If the county acreage allotment is apportioned among the farms of the county in accordance with the provisions of this paragraph, the acreage reserved under paragraph (3) of this subsection may be used to make adjustments so as to establish allotments which are fair and reasonable to farms receiving allotments under this paragraph in relation to the factors set forth in paragraph (3)."

7 USC 1334.

SEC. 4. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following:

Wheat.
Requirements for
increases.

"(e) Notwithstanding any other provision of this Act, if after investigation the Secretary determines with respect to any class or sub-class of wheat that a substantial difference exists in the usage or marketing outlets therefor and that the supply of such wheat for the 1953-54 and 1954-55 marketing years with respect to the 1954 crop, and for the 1954-55 and 1955-56 marketing years with respect to the

1955 crop, will be substantially short of indicated market demands and carryover requirements for such wheat for such marketing years, the Secretary shall increase the marketing quotas and acreage allotments for such crop of wheat for farms which produced such wheat in one or more of the preceding three years to the extent necessary to make available a supply of such wheat adequate to meet such demands and carryover requirements. The increases in farm marketing quotas and acreage allotments shall be made on the basis of the acreage seeded to such class or sub-class of wheat during the period of years considered in establishing farm marketing quotas and acreage allotments for wheat. The additional acreage required by this subsection shall be in addition to the national acreage allotment, and shall not be used to increase the acreage allotment applicable to other wheat produced on farms for which such additional acreage has been allotted, nor shall such acreage be considered in establishing future State, county, and farm acreage allotments."

SEC. 5. (a) Section 5 of the joint resolution entitled "Joint resolution relating to cotton and peanut acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, and to price support for potatoes" (7 U. S. C. 1450), is amended by inserting at the end thereof the following: "Operations with respect to Irish potatoes authorized by section 32 of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes' (7 U. S. C. 612c), shall not be deemed to be prohibited by this section or, unless marketing quotas are in effect, to be required by section 201 of the Agricultural Act of 1949 (7 U. S. C. 1446)."

(b) The parenthetical phrase contained in the sentence preceding the last sentence of section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes" (7 U. S. C. 612c), is amended to read as follows: "(other than those receiving price support under title II of the Agricultural Act of 1949)".

Approved January 30, 1954.

Irish potatoes.
Price support.

64 Stat. 42.

49 Stat. 774.

63 Stat. 1052.
Limitation.

63 Stat. 1057.
7 USC 1446.

Public Law 291

CHAPTER 3

AN ACT

To continue the effectiveness of the Missing Persons Act, as extended, until July 1, 1955.

January 30, 1954
[H. R. 7209]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15, Missing Persons Act (56 Stat. 147, 1093), as amended by subsection 1 (f), Act of April 4, 1953 (Public Law 16, Eighty-third Congress), is amended by deleting the word "February 1, 1954", and inserting in lieu thereof "July 1, 1955".

Approved January 30, 1954.

67 Stat. 21.
50 USC app. 1015.

Public Law 292

CHAPTER 4

AN ACT

To extend the time for filing claims for the return of property under the Trading With the Enemy Act.

February 9, 1954
[S. 373]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 33 of the Trading With the Enemy Act of October 6, 1917, as amended (50 U. S. C. App. Supp. § 33), is amended by striking out the last portion

62 Stat. 1218.

of the first sentence of such section beginning with the words “by April 30, 1949” and inserting in lieu thereof the following: “not later than one year from the enactment of this amendment, or two years from the vesting of the property or interest in respect of which the claim is made, whichever is later”.

Approved February 9, 1954.

Public Law 293

CHAPTER 5

February 9, 1954
[H. J. Res. 354]

JOINT RESOLUTION
Amending Public Law 207, Eighty-third Congress.

67 Stat. 427.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitation on the amount available for expenses of travel under the appropriation for “Salaries and expenses” of the Commission on Organization of the Executive Branch of the Government, contained in chapter VII of the Supplemental Appropriations Act of 1954 (Public Law 207, Eighty-third Congress, approved August 7, 1953) is hereby increased to \$60,000.

Approved February 9, 1954.

Public Law 294

CHAPTER 6

February 10, 1954
[S. 15]

AN ACT
To provide for the appointment of additional circuit and district judges, and for other purposes.

U. S. Courts.
Circuit judges.

62 Stat. 871.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall appoint, by and with the advice and consent of the Senate, one additional circuit judge for the fifth circuit and two additional circuit judges for the ninth circuit. In order that the table contained in section 44 (a) of title 28 of the United States Code will reflect the changes made by this section in the number of circuit judges for said circuits, such table is amended to read as follows with respect to said circuits:

Circuits	Number of judges					
* *	*	*	*	*	*	*
Fifth	-----	-----	-----	-----	-----	Seven
* *	*	*	*	*	*	*
Ninth	-----	-----	-----	-----	-----	Nine
* *	*	*	*	*	*	**

District judges.

SEC. 2. (a) (1) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the southern district of California, one additional district judge for the district of Colorado, one additional district judge for the district of Delaware, one additional district judge for the southern district of Florida, one additional district judge for the district of Idaho, one additional district judge for the northern district of Indiana, one additional district judge for the southern district of Indiana, one additional district judge for the western district of Kentucky, one additional district judge for the district of Massachusetts, one additional district judge for the eastern district of Michigan, one additional district judge for the

western district of Michigan, one additional district judge for the district of New Jersey, two additional district judges for the southern district of New York, one additional district judge for the district of North Dakota, one additional district judge for the northern district of Ohio, one additional district judge for the eastern district of Pennsylvania, one additional district judge for the western district of Pennsylvania, one additional district judge for the eastern district of Texas, one additional district judge for the eastern district of Virginia, and one additional district judge for the eastern district of Wisconsin.

(2) The existing judgeship for the eastern and western districts of Missouri, created by the Act entitled "An Act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri", approved December 24, 1942 (56 Stat. 1083), the existing judgeship for the southern district of Texas created by section 2 (d) of the Act entitled "An Act to provide for the appointment of additional circuit and district judges and for other purposes", approved August 3, 1949 (63 Stat. 495), and the existing judgeship for the northern and southern districts of West Virginia, created by the Act entitled "An Act to provide for the appointment of an additional district judge for the northern and southern districts of West Virginia", approved June 22, 1936 (49 Stat. 1805), shall be permanent judgeships.

(3) In order that the table contained in section 133 of title 28 of the United States Code will reflect the changes made by this subsection in the number of permanent judgeships for certain districts, such table is amended to read as follows with respect to said districts:

"Districts						Judges
California:						
*	*	*	*	*	*	*
Southern-----						11
Colorado-----						2
*	*	*	*	*	*	*
Delaware-----						3
*	*	*	*	*	*	*
Florida:						
*	*	*	*	*	*	*
Southern-----						4
*	*	*	*	*	*	*
Idaho-----						2
*	*	*	*	*	*	*
Indiana:						
Northern-----						2
Southern-----						2
*	*	*	*	*	*	*
Kentucky:						
*	*	*	*	*	*	*
Western-----						2
*	*	*	*	*	*	*
Massachusetts-----						5
Michigan:						
Eastern-----						6
Western-----						2
*	*	*	*	*	*	*

Post, p. 11.

28 USC 133 note.

62 Stat. 895.

	"Districts	Judges
	Missouri:	
	* * * * *	
	Eastern and Western-----	2
	* * * * *	
	New Jersey-----	7
	* * * * *	
	New York:	
	* * * * *	
	Southern-----	18
	* * * * *	
	North Dakota-----	2
	Ohio:	
	Northern-----	5
	* * * * *	
	Pennsylvania:	
	Eastern-----	8
	* * * * *	
	Western-----	5
	* * * * *	
	Texas:	
	* * * * *	
	Southern-----	4
	Eastern-----	2
	* * * * *	
	Virginia:	
	Eastern-----	3
	* * * * *	
	West Virginia:	
	* * * * *	
	Northern and Southern-----	1
	Wisconsin:	
	Eastern-----	2
	* * * * *	
New Mexico.	(b) (1) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of New Mexico. The first vacancy occurring in the office of district judge in said district shall not be filled.	
Nevada.	(2) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of Nevada. The first vacancy occurring in the office of district judge in said district shall not be filled.	
South Dakota.	(3) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of South Dakota. The first vacancy occurring in the office of district judge in said district shall not be filled.	
Tennessee.	(4) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Tennessee. The first vacancy occurring in the office of district judge in said district shall not be filled.	
Pennsylvania.	(5) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the western district of Pennsylvania. The first vacancy occurring in the office of district judge in said district shall not be filled.	

(6) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of Utah. The first vacancy occurring in the office of district judge in said district shall not be filled.

(7) The second sentence of section 94 (a) (3) of title 28 of the United States Code is hereby amended to read as follows: "Court for the Hammond Division shall be held at Hammond and Lafayette."

(8) (a) Section 102 (a) (1) of title 28 of the United States Code is amended to read as follows:

"(1) The Southern Division comprises the counties of Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saint Clair, Sanilac, Washtenaw, and Wayne.

"Court for the Southern Division shall be held at Detroit and Port Huron."

(b) The second sentence of section 102 (a) (2) of title 28 of the United States Code is amended to read as follows: "Court for the Northern Division shall be held at Bay City and Flint."

(c) Section 102 (b) (1) of title 28 of the United States Code is amended to read as follows:

"(1) The Southern Division comprises the counties of Allegan, Antrim, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Clinton, Eaton, Emmet, Grand Traverse, Hillsdale, Ingham, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, Saint Joseph, Van Buren, and Wexford.

"Court for the Southern Division shall be held at Grand Rapids, Kalamazoo, and Mason."

(9) The second sentence of section 115 (a) (1) of title 28 of the United States Code is hereby amended to read as follows: "Court for the Eastern Division shall be held at Cleveland, Youngstown, and Akron."

(a) The first sentence of subsection (d) (4) of section 124 of title 28 of the United States Code is hereby amended to read as follows: "(4) The San Antonio Division comprises the counties of Atascosa, Bandera, Bexar, Comal, Dimmit, Frio, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Medina, Real, and Wilson."

(b) The first sentence of subsection (d) (5) of section 124 of title 28 of the United States Code is hereby amended to read as follows:

"(5) The Del Rio Division comprises the counties of Edwards, Kinney, Maverick, Terrell, Uvalde, Val Verde, and Zavalla."

(10) The present incumbent of the judgeship created by the Act entitled "An Act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri", approved December 24, 1942 (56 Stat. 1083), shall henceforth hold such office under section 133 of title 28 of the United States Code, as amended by this Act.

(11) The present incumbent of the judgeship for the southern district of Texas created by section 2 (d) of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes", approved August 3, 1949 (63 Stat. 495), shall henceforth hold such office under section 133 of title 28 of the United States Code, as amended by this Act, and section 2 (d) of the said Act approved August 3, 1949, is repealed.

(12) The present incumbent of the judgeship created by the Act entitled "An Act to provide for the appointment of an additional district judge for the northern and southern districts of West Virginia", approved June 22, 1936 (49 Stat. 1805), shall henceforth hold such office under section 133 of title 28 of the United States Code, as amended by this Act.

Utah.

Indiana.
62 Stat. 878.

62 Stat. 882.
Michigan.

Ohio.
62 Stat. 887.

Texas.
62 Stat. 893.

28 USC 133 note.

28 USC 133 note.

Repeal.

28 USC 133 note.

62 Stat. 896.

(13) (a) Section 134 of title 28 of the United States Code is amended to read as follows:

“§ 134. Tenure and residence of district judges.

“(a) The district judges, except in Hawaii and Puerto Rico, shall hold office during good behavior. The district judges in Hawaii and Puerto Rico shall hold office for terms of six and eight years, respectively, and until their successors are appointed and qualified.

“(b) Each district judge, except in the District of Columbia, shall reside in the district or one of the districts for which he is appointed.

“(c) If the public interest and the nature of the business of a district court require that a district judge should maintain his abode at or near a particular place for holding court in the district or within a particular part of the district the judicial council of the circuit may so declare and may make an appropriate order. If the district judges of such a district are unable to agree as to which of them shall maintain his abode at or near the place or within the area specified in such an order the judicial council of the circuit may decide which of them shall do so.”

Supra.

(b) Orders made by the judicial councils of the circuits under the second sentence of subsection (c) of section 134 of title 28, as amended by this section, determining that a specified district judge shall maintain his abode at or near a place or within an area which the council has theretofore designated for the abode of a district judge under the first sentence of such subsection, shall be applicable only to district judges appointed after the enactment of this Act.

49 Stat. 1813.

SEC. 3. (a) The first sentence of section 26 of the Organic Act of the Virgin Islands of the United States, as amended (48 U. S. C. 1405y), is amended to read as follows:

“The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands who shall hold office for the term of eight years and until his successor is chosen and qualified unless sooner removed by the President for cause, and a district attorney who shall hold office for the term of four years and until his successor is chosen and qualified unless sooner removed by the President for cause.”

(b) This section shall take effect upon its approval but shall not affect the term of any incumbent whose term has not yet expired.

62 Stat. 903.

SEC. 4. (a) Sections 371 and 372 of title 28, United States Code, are hereby amended to read as follows:

“§ 371. Resignation or retirement for age.

“(a) Any justice or judge of the United States appointed to hold office during good behavior who resigns after attaining the age of seventy years and after serving at least ten years continuously or otherwise shall, during the remainder of his lifetime, continue to receive the salary which he was receiving when he resigned.

“(b) Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining the age of seventy years and after serving at least ten years continuously or otherwise, or after attaining the age of sixty-five years and after serving at least fifteen years continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office. The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires.

“§ 372. Retirement for disability; substitute judge on failure to retire.

“(a) Any justice or judge of the United States appointed to hold office during good behavior who becomes permanently disabled from performing his duties may retire from regular active service, and the President shall, by and with the advice and consent of the Senate, appoint a successor.

“Any justice or judge of the United States desiring to retire under this section shall certify to the President his disability in writing.

“Whenever an associate justice of the Supreme Court, a chief judge of a circuit or the chief judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court, desires to retire under this section, he shall furnish to the President a certificate of disability signed by the Chief Justice of the United States.

“A circuit or district judge, desiring to retire under this section, shall furnish to the President a certificate of disability signed by the chief judge of his circuit.

“A judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court desiring to retire under this section, shall furnish to the President a certificate of disability signed by the chief judge of his court.

“Each justice or judge retiring under this section after serving ten years continuously or otherwise shall, during the remainder of his lifetime, receive the salary of the office. A justice or judge retiring under this section who has served less than ten years in all shall, during the remainder of his lifetime, receive one-half the salary of the office.”

(b) The analysis of chapter 17 of title 28, United States Code, immediately preceding § 371 of such title, is amended by striking out the items “371. Resignation or retirement for age; substitute judge on failure to retire.” and “372. Retirement for disability.”, and inserting in lieu thereof the following:

“371. Resignation or retirement for age.

“372. Retirement for disability; substitute judge on failure to retire.”

SEC. 5. Section 373 of title 28, United States Code, is amended to read as follows:

62 Stat. 904.

“§ 373. Judges in Territories and Possessions.

“Any judge of the United States District Courts for the Districts of Hawaii or Puerto Rico, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, the District Court of Guam, or the District Court of the Virgin Islands, and any justice of the Supreme Court of the Territory of Hawaii who resigns after attaining the age of seventy years and after serving at least ten years, continuously or otherwise, or after attaining the age of sixty-five years and after serving at least fifteen years, continuously or otherwise, shall continue during the remainder of his life to receive the salary he received when he relinquished office.

“Any judge of any such courts who is removed by the President of the United States upon the sole ground of mental or physical disability, or who fails of reappointment, shall be entitled, upon attaining the age of sixty-five years or upon relinquishing office if he is then beyond the age of sixty-five years, (a) if his judicial service aggregated sixteen years or more, to receive during the remainder of his life the salary he received when he relinquished office, or (b) if his judicial service aggregated less than sixteen years but not less than ten years, to receive during the remainder of his life that proportion of such salary which the aggregate number of years of his judicial service bears to sixteen.

“Service at any time in any of the courts referred to in the first paragraph, or in any other court under appointment by the President, shall be included in the computation of aggregate years of judicial service for the purposes of this section.”

SEC. 6. The Act entitled “An Act to clarify the law relating to the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania, and to provide for the appointment of an additional United States district judge for the eastern, middle, and western districts of Pennsylvania”, approved July 24, 1946 (60 Stat. 654), is amended by adding at the end of section 2 a new sentence to read as follows: “If a vacancy arises in the office of district judge for the middle district of Pennsylvania while the judge appointed pursuant to this section is holding the office created by this section, such judge shall thereafter be a district judge for the middle district of Pennsylvania.”

Approved February 10, 1954.

Public Law 295

CHAPTER 7

February 12, 1954
[H. J. Res. 358]

JOINT RESOLUTION

To discharge indebtedness of the Commodity Credit Corporation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

The Secretary of the Treasury is hereby authorized and directed to discharge indebtedness of the Commodity Credit Corporation to the Secretary of the Treasury by cancelling notes issued by the Corporation to the Secretary of the Treasury (1) in the amount of \$550,151,848 for the capital impairment determined by the appraisal of June 30, 1953, pursuant to sections 1 and 4 of the Act of March 8, 1938 as amended (15 U. S. C. 713a-1, 4); (2) in the amount of \$129,553,795 for the net costs during the fiscal year 1953 (including interest through the date of enactment hereof) under the International Wheat Agreement Act of 1949 (7 U. S. C. 1641-1642); and (3) in the amount of \$2,064,060 for the funds transferred and expenses incurred through the fiscal year 1953 (including interest through the date of enactment hereof) under the head “Eradication of foot-and-mouth and other contagious diseases of animals and poultry” pursuant to authority granted in the Department of Agriculture Appropriation Act, 1953.

Approved February 12, 1954.

Public Law 296

CHAPTER 9

February 20, 1954
[H. R. 2842]

AN ACT

To authorize the Secretary of the Army to transfer certain land and access rights to the Territory of Hawaii.

Hawaii.
Transfer of land,
etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized and directed to transfer to the Territory of Hawaii all right, title, and interest of the United States in cer-

tain land designated as parcels numbered 66 and 69 on right-of-way map of Honolulu-Pearl Harbor Road (Kalia section), Territory of Hawaii, Federal aid project numbered U-44 (9), dated June 6, 1952, on file in the office of the Chief of Engineers, and described as follows:

All those two certain parcels of land situate at Kalia, Waikiki, Honolulu, city and county of Honolulu, Territory of Hawaii, both being portions of the United States military reservation of Fort De Russy, War Department General Order Numbered 20, dated May 26, 1916, more particularly described as follows:

PARCEL 66

On the east side of Kalia Road, beginning at the southwest corner of this piece of land, on the east side of Kalia Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being ten thousand thirty-four and ninety-seven one-hundredths feet south and four thousand six hundred eight and eighty-six one-hundredths feet east, thence running by azimuths measured clockwise from true south:

1. One hundred and sixty-six degrees fifty minutes thirteen and forty-four one-hundredths feet along the present east side of Kalia Road;

2. One hundred and eighty-two degrees forty-three minutes twenty seconds seventy-four and forty-three one-hundredths feet along the present east side of Kalia Road, along land described in deed by United States of America to Territory of Hawaii, dated December 14, 1942, and recorded in liber 1737, pages 349 to 352 in the Bureau of Conveyances at Honolulu, Territory of Hawaii;

3. Thence on a curve to the right with a radius of twenty feet, along land described in said deed by United States of America to Territory of Hawaii, dated December 14, 1942, the chord azimuth and distance being two hundred and seventeen degrees thirty-six minutes ten seconds twenty-two and eighty-seven one-hundredths feet;

4. Two hundred and fifty-two degrees twenty-nine minutes two hundred eighty-four and forty-eight one-hundredths feet along land described in said deed by United States of America to Territory of Hawaii, dated December 14, 1942;

5. Sixty-nine degrees twenty-three minutes two hundred forty-five and forty-eight one-hundredths feet along the remainder of the United States military reservation of Fort De Russy;

6. Thence along same on a curve to the left with a radius of ninety feet, the chord azimuth and distance being twenty-eight degrees six minutes thirty seconds one hundred eighteen and seventy-four one-hundredths feet to the point of beginning and containing an area of three thousand sixty-six square feet. Together with any abutter's rights of vehicle access, into and from Honolulu-Pearl Harbor Road, Federal aid project numbered U-44 (9), over and across courses 5 and 6 of the above described parcel 66. Also together with any abutter's rights of vehicle access, into and from Honolulu-Pearl Harbor Road, Federal aid project numbered U-44 (9), over and across the present north boundary of United States military reservation of Fort De Russy from the end of course 4 of the above described parcel 66 to a point which is by true azimuth and distance two hundred fifty-two degrees twenty-nine minutes three hundred sixty-seven feet.

PARCEL 69

On the southwest side of Kalakaua Avenue, beginning at the west corner of this piece of land, on the north boundary of the United States military reservation of Fort De Russy, and on the southeast

boundary of lot 15, map 8, of land court application 852, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being nine thousand six hundred ninety-eight and forty-four one-hundredths feet south and five thousand four hundred twenty-six and sixteen one-hundredths feet east, thence running by azimuths measured clockwise from true south:

1. Two hundred and thirty-four degrees thirty-five minutes fifty-five and seventy-six one-hundredths feet along lot 15, map 8, of land court application 852;

2. Thence on a curve to the right with a radius of twenty feet, along land described in deed by United States of America to Territory of Hawaii, dated December 14, 1942, and recorded in liber 1737, pages 349 to 352, in the Bureau of Conveyances at Honolulu, Territory of Hawaii, the chord azimuth and distance being three hundred and ten degrees fifty-two minutes thirteen and eighty-eight one-hundredths feet;

3. Three hundred and thirty-one degrees ten minutes three hundred forty-six and seventy-seven one-hundredths feet along the present southwest side of Kalakaua Avenue;

4. One hundred and forty-five degrees thirteen minutes and thirty seconds ten feet along the remainder of the United States military reservation of Fort De Russy;

5. One hundred and forty-five degrees thirteen minutes thirty seconds one hundred six and thirty-nine one-hundredths feet along same;

6. Thence along same on a curve to the right with a radius of seven hundred and fifty feet, the chord azimuth and distance being one hundred and forty-eight degrees two minutes twenty-two and five-tenths seconds and seventy-three and sixty-six one-hundredths feet;

7. One hundred and fifty degrees fifty-one minutes fifteen seconds and sixty-three and thirteen one-hundredths feet along the remainder of the United States military reservation of Fort De Russy;

8. Thence along same on a curve to the left with a radius of one hundred and forty feet, the chord azimuth and distance being one hundred and twenty-seven degrees forty-two minutes thirty-two and five-tenths seconds and one hundred ten and six one-hundredths feet to the point of beginning and containing an area of six thousand and twenty-one square feet. Together with any abutter's right of vehicle access, into and from Honolulu-Pearl Harbor Road, Federal aid project numbered U-44 (9) and Kalakaua Avenue, over and across courses 5, 6, 7, and 8 of the above-described parcel 69.

Approved February 20, 1954.

Public Law 297

CHAPTER 10

AN ACT

February 20, 1954
[H. R. 2839]

To enable the Hawaiian Homes Commission of the Territory of Hawaii to exchange available lands as designated by the Hawaiian Homes Commission Act, 1920, for public lands.

Hawaiian Homes
Commission.
Land exchange.
42 Stat. 110.
48 USC 698.
Post, p. 262.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204 of the Hawaiian Homes Commission Act, 1920, as amended, be further amended by adding a new subparagraph thereto, designated subparagraph "(4)", and to read as follows:

"(4) The commission may, with the approval of the Governor and the Secretary of the Interior, in order to consolidate its holdings or to better effectuate the purposes of this Act, exchange the title to

available lands at Waimanalo, Island of Oahu, for similarly located publicly owned lands of an equal value. All land so acquired by the commission shall assume the status of available lands as though the same were originally designated as such under section 203 hereof, and all land so conveyed by the commission shall assume the status of the land for which it was exchanged. The limitations imposed by section 73 (1) of the Hawaiian Organic Act and the land laws of Hawaii as to the area and value of land that may be conveyed by way of exchange shall not apply to exchanges made pursuant hereto."

SEC. 2. This Act shall take effect upon its approval.

Approved February 20, 1954.

48 USC 697.

42 Stat. 116.
48 USC 663.

Public Law 298

CHAPTER 11

AN ACT

February 20, 1954
[H. R. 5379]

To authorize the printing and mailing of periodical publications of certain societies and institutions at places other than places fixed as the offices of publication.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last proviso of the ninth paragraph under the heading "Office of the Third Assistant Postmaster General" of the first section of the Act entitled "An Act making appropriations for the Post Office Department for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912, as amended (39 U. S. C., sec. 229), is amended by striking out the comma after the word "board" and the following: "and such publication shall be printed at such place and entered at the nearest post office thereto".

Mailing, etc., of
certain periodicals.

37 Stat. 550.

Approved February 20, 1954.

Public Law 299

CHAPTER 12

AN ACT

February 20, 1954
[H. R. 5861]

To amend the Act approved July 8, 1937, authorizing cash relief for certain employees of the Canal Zone Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in section 1 of the Act of July 8, 1937 (ch. 443, 50 Stat. 478), which Act authorizes the payment of cash relief to such employees of the Canal Zone Government not coming within the scope of the former Canal Zone Retirement Act as may become unfit for further useful service by reason of mental or physical disability resulting from age or disease, is amended, effective as of the first day of the month in which this Act is approved, to read as follows: "Provided, That such cash relief shall not exceed \$1.50 per month for each year of service of the employee so furnished relief, with a maximum of \$45 per month, nor be granted to any employee having less than ten years' service with the Canal Zone Government and its predecessor agencies, including any service with the Panama Canal Company, and its predecessor agencies, on the Isthmus of Panama".

48 USC 1372.

SEC. 2. The provisions of this Act shall take effect the first day of the month in which it is enacted.

Approved February 20, 1954.

Public Law 300

CHAPTER 13

AN ACT

February 20, 1954
[H. R. 5959]

To exempt certain commissioned officers retired for disabilities caused by instrumentalities of war from the limitation prescribed by law with respect to the combined rate of retired pay and of compensation as civilian employees of the Government which retired officers may receive.

Armed Forces.
Dual compensa-
tion.

47 Stat. 406.

38 USC ch. 12A.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in section 212 (b) of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (5 U. S. C., sec. 59a (b)), is amended to read as follows: "*Provided*, That this section shall not apply to any regular or emergency commissioned officer retired for disability (1) incurred in combat with an enemy of the United States, or (2) caused by an instrumentality of war and incurred in line of duty during an enlistment or employment as provided in Veterans Regulation Numbered 1 (a), part I, paragraph I".

SEC. 2. The amendment made by the first section of this Act shall take effect as of January 1, 1951.

Approved February 20, 1954.

Public Law 301

CHAPTER 33

AN ACT

February 27, 1954
[S. 2689]

To retrocede to the State of Ohio concurrent jurisdiction over certain highways within Wright-Patterson Air Force Base, Ohio.

Wright-Patterson
Air Force Base,
Ohio.
Highway juris-
diction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the State of Ohio a retrocession of jurisdiction over the portions of highways described below within the Wright-Patterson Air Force Base to the extent that all laws of the State and all laws of the United States shall be applicable thereon and the United States and the State shall exercise concurrent jurisdiction thereover:

(A) State Route Numbered 4, beginning at Huberville, approximately three thousand feet northeast of the intersection of Harshmanville Road with State Route Numbered 4, thence northeast to the Greene County and Montgomery County line, the above section of road being in Montgomery County, Ohio;

(B) All that part of State Route Numbered 4 lying between the Greene County and Montgomery County line and the Cleveland, Cincinnati, Chicago, and St. Louis Railroad underpass and being within the Wright-Patterson Air Force Base reservation boundaries, the above section of road being in Greene County, Ohio;

(C) Beginning at the point where State Route Numbered 4 passes the extreme south corner of the original Wilbur Wright Field boundary, said point being approximately one thousand seven hundred feet northeast of Huffman Dam, thence northeasterly to the corporate limits of the village of Fairborn, Ohio, the above section of road being in Greene County, Ohio;

(D) State Route Numbered 235, beginning at a point where State Route Numbered 235 intersects and crosses an easterly boundary line of the Wright-Patterson Air Force Base, said point being approximately one thousand seven hundred feet north of the intersection of

State Route Numbered 235 with State Route Numbered 4, thence westerly to the extreme west line of the reservation, excepting that part of the road lying between Haddix Road and the Osborn Road, the above section of road being in Greene County, Ohio;

(E) State Route Numbered 69, beginning at the intersection of State Route Numbered 69 and original State Route Numbered 235, thence southwesterly with the east one-half of the road to the extreme southwest corner of the reservation boundary, the above section of road being in Greene County, Ohio;

(F) Harshmanville Road, beginning at the intersection of Harshmanville Road with Yellow Springs Road in the village of Riverside, thence southerly with the east one-half of the road a distance of approximately one thousand four hundred feet, thence continuing southerly the full width of the road to Airway Road;

(G) Yellow Springs Road, beginning at the intersection of Yellow Springs Road with Harshmanville Road in the village of Riverside, thence easterly with the south one-half of the road to the Wright-Patterson Air Force Base reservation boundary;

(H) Airway Road, beginning at the intersection of Airway Road with Harshmanville Road, thence easterly with the north one-half of the road a distance of approximately two thousand feet, thence continuing easterly with the full width of the road to the Greene County and Montgomery County line;

(I) Spinning Road, beginning at the intersection of Spinning Road with the south right-of-way line of Airway Road, thence southerly with the west one-half of the road one thousand nine hundred and seventy-three feet to a south boundary line of the Wright-Patterson Air Force Base reservation;

(J) Glendean Avenue, beginning at the intersection of Glendean Avenue with the north right-of-way of the Baltimore and Ohio Railroad, thence northerly with the east one-half of Glendean Avenue, a distance of approximately one thousand seven hundred feet;

(K) Airway Road, beginning at the intersection of Airway Road with the Greene County and Montgomery County line, thence easterly to the Wright-Patterson Air Force Base reservation boundary, the point of ending being approximately four hundred and fifty feet east of Skyline Drive;

(L) National Road (Huffman), beginning at a corner in the Wright-Patterson Air Force Base reservation boundary, said corner being in the National Road and approximately two hundred feet north of its intersection with Airway Road, thence, with the west one-half of the road, northerly four thousand four hundred feet, thence continuing northerly with the full width of the road to Old Route Numbered 4;

(M) Zink Road (New Germany Road), beginning at the intersection of the New Germany Road with the south right-of-way line of Old Route Numbered 4, thence southerly with the east one-half of the road, a distance of eight hundred and ninety feet, also beginning in the New Germany Road at a corner in the reservation boundary, the beginning point being approximately one thousand four hundred feet southerly from the south right-of-way line of Old Route Numbered 4, thence continuing southerly with the westerly one-half of the road a distance of one thousand five hundred and eighty-seven feet;

(N) Old Route Numbered 4, beginning at the intersection of Old Route Numbered 4 with the southerly right-of-way of the Cleveland, Cincinnati, Chicago, and St. Louis Railroad, thence easterly the full width of the road to the part of the road right-of-way owned by the Commissioners of Greene County, Ohio;

(O) Sand Hill Road, beginning at the intersection of Sand Hill Road with an east boundary line of the Wright-Patterson Air Force Base reservation, the same being the west boundary line of the abandoned Cincinnati and Lake Erie Railroad, thence westerly to State Route Numbered 235;

(P) Haddix Road, beginning at the intersection of Haddix Road with State Route Numbered 235, thence northeasterly with the right one-half of the road to the Greene County and Clark County line;

(Q) Elizabeth Road (Johnson Street), beginning at the intersection of Elizabeth Road (in Old Osborn) with State Route Numbered 235, thence northwesterly to Haddix Road;

(R) Osborn Road, beginning at gate Numbered 260 at the Wright-Patterson Air Force Base reservation boundary, thence northerly with the west one-half of the road to State Route Numbered 235;

(S) Airway Road, beginning at the intersection of Airway Road with the southerly right-of-way of Old Route Numbered 4, thence southerly with the westerly one-half of the road to the extreme southeast corner of the Wright-Patterson Air Force Base Area "D" reservation boundary;

(T) Old Route Numbered 4, all that part of Old Route Numbered 4 that may be within the boundaries of Wright-Patterson Air Force Base, Area "D". The location of the highways and the bounded areas are shown and identified by corresponding letter symbols on sheet numbered L of a drawing designated: Wright-Patterson Air Force Base, Basic Layout Plan, drawing numbered EWFE 150, dated December 2, 1952, on file in the Office, Chief of Engineers, Department of the Army. This Act is effective only as to those portions of the highways and areas indicated in this Act over which the United States has heretofore acquired exclusive jurisdiction and shall not affect portions of highways and areas, if any, over which exclusive or concurrent jurisdiction is now vested in the State of Ohio.

SEC. 2. The retrocession of jurisdiction provided for in this Act shall take effect upon the acceptance thereof by the General Assembly of the State of Ohio.

Approved February 27, 1954.

Effectiveness.

Public Law 302

CHAPTER 58

AN ACT

March 1, 1954
[H. R. 8069]

To amend the Act of July 10, 1953, which created the Commission on Intergovernmental Relations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 3 of the Act of July 10, 1953, entitled "An Act to establish a Commission on Intergovernmental Relations", is hereby amended to read as follows:

67 Stat. 146.
5 USC 138a-138j
note.

Reports to President.

5 USC 138a-138j
note.

"(c) The Commission, not later than March 1, 1955, shall submit to the President for transmittal to the Congress its final report, including recommendations for legislative action; and the Commission may also from time to time make to the President such earlier reports as the President may request or as the Commission deems appropriate."

SEC. 2. Section 6 of such Act of July 10, 1953, is hereby amended to read as follows:

"TERMINATION OF THE COMMISSION"

"SEC. 6. The Commission shall cease to exist at the close of business on March 1, 1955."

Approved March 1, 1954.

Public Law 303

CHAPTER 59

AN ACT

To amend title VI of the Legislative Reorganization Act of 1946, as amended, with respect to the retirement of employees in the Legislative Branch.

March 6, 1954
[S. 2175]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title VI of the Legislative Reorganization Act of 1946, as amended, is amended by adding at the end thereof the following new section:

“SEC. 603. (a) Section 4 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by adding at the end thereof the following new subsection:

“(g) Any officer or employee in the legislative branch of the Government within the classes of officers and employees made eligible for the benefits of this Act by the Act of July 13, 1937, the Act of June 21, 1947, or the Act of July 23, 1953, who is separated from service on or after the date of enactment of this subsection after having rendered at least five years of service as such an officer or employee and after having become entitled to an immediate or future annuity under this Act shall, if he so elects at the time of commencement of such annuity, be paid, in lieu of an annuity computed under subsection (a), a life annuity equal to the sum of the following:

“(A) $2\frac{1}{2}$ per centum of the average salary, pay, or compensation received by him during any five consecutive years of allowable service at his option multiplied by the sum of the years, not exceeding fifteen, of his service as an employee described in this subsection and of his allowable military or naval service; and

“(B) $1\frac{1}{2}$ per centum of such average salary, pay, or compensation multiplied by the years of his allowable service other than service used in computing annuity under clause (A).

In no case shall an annuity computed under this subsection exceed an amount equal to 80 per centum of the highest average annual salary, pay, or compensation received by the officer or employee during any five consecutive years of allowable service. No officer or employee shall be entitled to the benefits of this subsection unless (i) there shall have been deducted and withheld from his salary, pay, or compensation for the last five years of his allowable civilian service, or there shall have been deposited under section 9 with respect to such last five years of service, the amounts specified in section 9, and (ii) the last eleven months of his allowable civilian service shall have been performed as an employee described in this subsection. Service performed prior to the date of enactment of this subsection shall not be counted for the purposes of this subsection in the case of any person not serving as an officer or employee described in this subsection on such date unless such person performs at least eleven months of service as such an officer or employee subsequent to such date. Paragraphs (A) and (B) hereof shall also apply in the case of any person who was heretofore or is hereafter separated from the service with title to annuity and who hereafter serves as a Member of Congress.’

“(b) Section 3 (a) of such Act is amended by adding at the end thereof the following new paragraph:

“‘Notwithstanding any other provision of this Act, any officer or employee in the legislative branch of the Government within the classes of officers or employees which were made eligible for the benefits of this Act by the Act of July 13, 1937, the Act of June 21, 1947, or the Act of July 23, 1953, serving in such position on the date of enactment of this paragraph, may give notice of his desire to come within the purview of this Act at any time prior to the expiration of six months after such date of enactment.’

Legislative
Branch.
Retirement bene-
fits.
60 Stat. 850.

46 Stat. 468; 63
Stat. 476.
5 USC 698.
Computation.

50 Stat. 512; 61
Stat. 135; 67 Stat.
186.
5 USC 693b-
693d, 698b, 715d,
719a, 693.

Restrictions.

5 USC 736b.

Later service as
Member of Con-
gress.

5 USC 693(a).

Notice.

5 USC 693b-
693d, 698b, 715d,
719a, 693.

60 Stat. 850. 5 USC 693-1.	“(c) Section 3A of such Act is amended as follows:
Members of Congress, Eligibility.	“(1) Paragraph (3) is amended to read as follows:
5 USC 710-714.	“(3) No person shall be entitled to receive an annuity as provided in this section until he shall have become separated from the service after having had at least six years of service as a Member of Congress and have attained the age of sixty-two years, except that (A) any such Member who shall have had at least five years of service as a Member of Congress may, subject to the provisions of section 6 and of paragraph (4) of this section, be retired for disability, irrespective of age, and be paid an annuity computed in accordance with paragraph (5) of this section, and (B) any such Member who shall have become separated from the service after having had at least ten years of service as a Member of Congress and have attained the age of sixty years may receive an annuity computed in accordance with paragraph (5) of this section reduced by one-fourth of 1 per centum for each full month he is under the age of sixty-two years.’
Amount of annuity. 5 USC 736b, 698 (b), (c).	“(2) Paragraph (5) is amended to read as follows:
60 Stat. 812. 2 USC 72a note.	“(5) Subject to the provisions of section 9 and of subsections (b) and (c) of section 4, the annuity of a Member of Congress shall be an amount equal to 2½ per centum of the average annual basic salary, pay, or compensation received by him as a Member of Congress subsequent to the date of enactment of the Legislative Reorganization Act of 1946, as amended, multiplied by the sum of his years of service as a Member of Congress and his years of active service performed as a member of the armed forces of the United States prior to his separation from service as a Member of Congress, but no such annuity shall exceed an amount equal to three-fourths of the basic salary, pay, or compensation that he is receiving at the time of such separation from service.’
Refunds.	“(3) Paragraph (6) is amended to read as follows:
“(Basic salary, pay or compensation.”	“(6) In the case of a Member of Congress who becomes separated from the service before he completes an aggregate of 20 years of service as a Member of Congress, and who is not retired, the total amount deducted from his basic salary, pay, or compensation as a Member of Congress, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded on December 31 of each year to date of separation shall, upon application therefor, be returned to such Member of Congress. No such Member of Congress shall thereafter become eligible to receive an annuity as provided in this section unless he again becomes a Member of Congress and redeposits the amounts so returned with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year and covering periods of service as a Member of Congress.’
2 USC 31a.	“(4) Paragraph (10) is amended by inserting before the period at the end thereof a semicolon and the following: ‘and the term “basic salary, pay, or compensation” includes (A) amounts received, for periods beginning on or subsequent to the effective date of this clause, as expense allowance under section 601 (b) of the Legislative Reorganization Act of 1946, as amended, and (B) amounts received as such allowance for any period after January 2, 1953, and prior to such effective date, if the Member of Congress so elects and makes deposit therefor at the rate of \$150 per annum together with interest thereon at 3 per centum per annum, compounded on December 31 of each year and covering periods of service as a Member of Congress; and the term “active service performed as a member of the armed forces of the United States” means (A) active service performed as a member of such forces, during any war or national emergency proclaimed by the President or declared by the Congress, by a Member of Congress who left or leaves his office for the purpose of performing
Active service in armed forces.	

such service and (B) any other periods of active service, not to exceed an aggregate of five years, performed as a member of such forces, but shall not include any such service for which credit is allowed for the purposes of retirement or retired pay under any other provision of law, including Title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948'.

"(d) (1) Notwithstanding the provisions of section 3 (a) of the Act of February 28, 1948—

"(A) subsections (b) and (c) of section 4, and the last sentence in section 9 of the Civil Service Retirement Act of May 29, 1930, as amended, shall apply to Members of Congress; and

"(B) subsections (c), (d), (e), (g), and (h) of section 12 of such Act shall apply in the case of Members of Congress dying on or after the date of enactment of this section. Such subsections shall apply to the widower of any such Member of Congress to the same extent and in the same manner as to the widow of any such Member of Congress, if such widower shall have been married to such Member for at least two years immediately preceding her death or is the father of issue by such marriage. Such subsection (c) shall also apply in the case of any Member of Congress who died on or after November 4, 1952, and prior to the date of enactment of this subsection, except that in such case no annuity shall be payable for any period prior to such date of enactment and no annuity shall be payable unless the amount of any lump sum death benefit heretofore paid under the Civil Service Retirement Act of May 29, 1930, as amended, is redeposited in the civil-service retirement and disability fund.

"(2) Section 12 (c) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by striking out 'computed as provided in section 4 (a) hereof with respect to such officer or employee' in paragraphs (1) and (2) and inserting in lieu thereof 'computed as provided in section 4 (a), section 4 (g), or section 3A hereof, as the case may be, with respect to such officer or employee as if he had retired under the disability provisions of this Act'; and by striking out 'section 1, 2, or 6' in paragraphs (2) and (3) and inserting in lieu thereof 'section 1, 2, 3A, or 6'.

"(e) Section 13 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by inserting before the period at the end of the first sentence of the third paragraph thereof a comma and the following: 'except that the annuity of an elected officer of the Senate or House of Representatives and any annuity granted under the provisions of section 3A shall commence on the day following the day on which salary shall cease, provided the person entitled to such annuity meets the age and service requirements for annuity at that time'."

SEC. 2. Except as otherwise provided, the amendments made by this Act shall take effect on the first day of the month following the date of its enactment.

Approved March 6, 1954.

62 Stat. 1087.
10 USC 1036-
1036i.
62 Stat. 49.
5 USC 693-1 note.

5 USC 698, 736b.
Widow or wid-
ower.
5 USC 724.

5 USC 724.

5 USC 698; ante,
p. 22.

5 USC 691, 715,
693-1, 710-714.
Commencement.
5 USC 718.

Ante, p. 22.

Effective date.

Public Law 304

CHAPTER 60

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes.

March 6, 1954
[H. R. 7996]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise

Second Supple-
mental Appropria-
tion Act, 1954.

appropriated, to supply supplemental appropriations (this Act may be cited as the "Second Supplemental Appropriation Act, 1954") for the fiscal year ending June 30, 1954, and for other purposes, namely:

CHAPTER I

LEGISLATIVE BRANCH

SENATE

CONTINGENT EXPENSES OF THE SENATE

Inquiries and investigations: For an additional amount for expenses of inquiries and investigations, \$600,000.

CHAPTER II

TREASURY DEPARTMENT

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES, DIVISION OF DISBURSEMENT

For an additional amount for "Salaries and expenses, Division of Disbursement", \$4,800,000.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

67 Stat. 347.

For an additional amount for "Acquisition, construction, and improvements", \$8,120,500, to be derived by transfer from the appropriation "Maintenance and operations, Air Force, 1954", and to remain available until expended.

CHAPTER III

DEPARTMENT OF LABOR

UNEMPLOYMENT COMPENSATION FOR VETERANS

For an additional amount for "Unemployment compensation for veterans", \$15,000,000.

NATIONAL MEDIATION BOARD

ARBITRATION AND EMERGENCY BOARDS

For an additional amount for "Arbitration and emergency boards", \$125,000.

CHAPTER IV

EXECUTIVE OFFICE OF THE PRESIDENT

PRESIDENT'S ADVISORY COMMITTEE ON GOVERNMENT ORGANIZATION

5 USC 1332 note.
60 Stat. 810.

For necessary expenses of the President's Advisory Committee on Government Organization, established by Executive Order 10432 of January 24, 1953, including services as authorized by section 15

of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; expenses of attendance at meetings concerned with the purposes of the Committee; and actual transportation expenses and an allowance of not to exceed \$15 per diem in lieu of subsistence while away from their homes or regular places of business, for members of the Committee and other persons serving without compensation; \$60,000, to be immediately available and to remain available until June 30, 1955: *Provided*, That the Committee is authorized, without regard to section 505 of the Classification Act of 1949, to place one position in Grade GS-17 of the general schedule established by said Act.

63 Stat. 959.
5 USC 1105.

INDEPENDENT OFFICES

COMMISSION ON INTERGOVERNMENTAL RELATIONS

Salaries and expenses: The limitation under this head contained in Chapter VII of the Supplemental Appropriation Act, 1954, on the amount available for expenses of travel, is hereby increased to \$143,200.

67 Stat. 426.

COMMISSION ON ORGANIZATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT

Salaries and expenses: For an additional amount for "salaries and expenses", including hire of passenger motor vehicles, \$1,431,909: *Provided*, That said appropriation shall remain available until expended: *Provided further*, That the limitation under said head in the Supplemental Appropriation Act, 1954, as amended, on the amount available for expenses of travel, is increased to \$302,344.

67 Stat. 427.

CHAPTER V

CLAIMS, AUDITED CLAIMS, AND JUDGMENTS

For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims certified to be due by the General Accounting Office, and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in House Document Numbered 329, Eighty-third Congress, \$5,500,707, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

CHAPTER VI

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation included in this Act, shall be used to pay the salary or wages of any person who

Strikes or overthrow of Government.

engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this or any other Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Approved March 6, 1954.

Public Law 305

CHAPTER 61

March 10, 1954
[H. R. 6130]

AN ACT

To permit a first preference for former owners of certain dwellings being sold under Lanham War Housing Act.

War housing.
Purchase preference.

64 Stat. 70.
42 USC 1587(b).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 607 (b) of the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, is amended by inserting after the first sentence of the last paragraph of that subsection the following sentence: "In the disposition of any dwellings under this section which were acquired by the United States from persons occupying the dwellings at the time of such acquisition, the Administrator may, notwithstanding the order of preference provided in this section, grant a first preference to such persons in the purchase of any of these dwellings for such period and under such conditions as he may determine to be appropriate and in the public interest."

Approved March 10, 1954.

Public Law 306

CHAPTER 78

March 12, 1954
[S. 1160]

AN ACT

To authorize the Secretary of the Interior to convey certain land to the city of Tucson, Arizona, and to accept other land in exchange therefor.

Tucson, Ariz.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the city of Tucson, Arizona, a municipal corporation, all right, title,

and interest of the United States in and to that tract of land situate in the county of Pima, State of Arizona, described as that portion of the northwest quarter of the northwest quarter of section 24, township 14 south of range 13 east, Gila and Salt River base and meridian, Pima County, Arizona, more particularly described as follows:

Beginning at a point on the south line of the northwest quarter of the northwest quarter of said section 24, distant three hundred forty-five and nine-tenths feet westerly from the southeast corner of said northwest quarter of the northwest quarter; run thence westerly along said south line, a distance of one hundred forty-four and one-tenth feet to a point; run thence northerly and parallel with the east line of said northwest quarter of the northwest quarter, a distance of two hundred ninety and four-tenths feet to a point; run thence easterly and parallel with the south line of said northwest quarter of the northwest quarter, a distance of one hundred forty-three and fifty-five one-hundredths feet to a point; run thence southerly a distance of two hundred ninety and four-tenths feet, more or less, to the point of beginning; and to accept in exchange therefor a conveyance in fee simple to the United States by the city of Tucson, Arizona, a municipal corporation, of the following described real property situate in Pima County, Arizona:

The east one hundred and ninety feet of the south two hundred ninety and four-tenths feet of the northwest quarter of the northwest quarter of section 24, township 14 south of range 13 east, Gila and Salt River base and meridian, Pima County, Arizona.

SEC. 2. The deed of the land conveyed by the Secretary of the Interior pursuant to the provisions of the first section of this Act shall contain express conditions—

(a) that the city of Tucson shall agree, upon the receipt of the deed from the Secretary of the Interior, to demolish the existing structure on such land; and

(b) that all salvage therefrom may be removed by the Papago Council of the Papago Tribe of Indians without the council paying for the same.

Approved March 12, 1954.

Public Law 307

CHAPTER 79

AN ACT

To amend the Act of August 3, 1950, as amended, to continue in effect the provisions thereof relating to the authorized personnel strengths of the Armed Forces.

March 15, 1954
[H. R. 2326]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of August 3, 1950 (64 Stat. 408), as amended by section 3 of the 1951 Amendments to the Universal Military Training and Service Act (65 Stat. 88), is further amended by striking out the date "July 31, 1954" and inserting in lieu thereof the date "July 31, 1957".

Armed Forces.
Personnel
strength.

10 USC 201 note.

Approved March 15, 1954.

Public Law 308

CHAPTER 97

AN ACT

March 16, 1954
[H. R. 5773]

To provide for the refund, under certain conditions, of money paid as premiums on United States Government life insurance or national service life insurance which is canceled for fraud.

VA insurance re-
funds.

60 Stat. 787.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 602 (w) of the National Service Life Insurance Act of 1940, as amended (38 U. S. C. 802 (w)), is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided*, That in any case in which a contract or policy of insurance is canceled or voided, after the date of enactment of this proviso, because of fraud, the Administrator of Veterans' Affairs is authorized and directed to refund to the insured, if living, or, if deceased, to the person designated as beneficiary (or if none survives, to the estate of the insured) all money, without interest, paid as premiums on such contract or policy for any period subsequent to two years after the date such fraud induced the Veterans' Administration to issue, reinstate, or convert such insurance less any dividends, loan, or other payment made to the insured under such contract or policy."

46 Stat. 1001.

SEC. 2. Section 307 of the World War Veterans' Act, 1924, as amended (38 U. S. C. 518), is hereby amended by changing the period at the end thereof to a colon and adding the following: "*And provided further*, That in any case in which a contract or policy of insurance is canceled or voided, after the date of enactment of this proviso, because of fraud, the Administrator of Veterans' Affairs is authorized and directed to refund to the insured, if living, or, if deceased, to the person designated as beneficiary (or if none survives, to the estate of the insured) all money, without interest, paid as premiums on such contract or policy for any period subsequent to two years after the date such fraud induced the Veterans' Administration to issue, reinstate, or convert such insurance less any dividends, loan, or other payment made to the insured under such contract or policy."

Approved March 16, 1954.

Public Law 309

CHAPTER 98

JOINT RESOLUTION

March 16, 1954
[H. J. Res. 355]

Amending title V of the Agricultural Act of 1949.

Mexican agricul-
tural workers.
65 Stat. 119.
7 USC 1461.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 of the Agricultural Act of 1949, as amended, is further amended by striking out the parenthetical clause "(pursuant to arrangements between the United States and the Republic of Mexico)" and inserting in lieu thereof "(pursuant to arrangements between the United States and the Republic of Mexico or after every practicable effort has been made by the United States to negotiate and reach agreement on such arrangements)".

Approved March 16, 1954.

Public Law 310

CHAPTER 99

AN ACT

To amend the Act of July 26, 1947 (61 Stat. 493), relating to the relief of certain disbursing officers.

March 17, 1954
[H. R. 2567]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 26, 1947 (61 Stat. 493), is hereby amended to read as follows: "That the Comptroller General of the United States be, and he hereby is, authorized, through such officer as he may designate, (a) to relieve disbursing and certifying officers, including special disbursing agents of the Department of the Army, Department of the Navy, Department of the Air Force, and of the Coast Guard, from accountability or responsibility for losses, occurring between September 8, 1939, and July 1, 1948, of funds, or of accounts, papers, records, vouchers, or data pertaining to said funds, for which said officers or agents were accountable or responsible; and (b) to allow credits, in the settlement of accounts of said officers or agents, for payments made in good faith on public account during said period, notwithstanding failure to comply with the requirements of existing law or regulations pursuant thereto: *Provided*, That in cases of losses or payments involving more than \$2,500 the Comptroller General shall exercise the authority herein only upon the written recommendation of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Treasury, which recommendations shall be concurred in by the Attorney General if the amount exceeds \$10,000 and which recommendation shall also set forth the facts relative to such loss or payment and shall state that such transaction, expenditure, loss, or payment appears to be free from fraud or collusion and incurred or made in good faith: *Provided further*, That the Comptroller General in all cases shall certify that such transaction, expenditure, loss, or payment appears to be free from fraud or collusion and incurred or made in good faith."

Armed Forces
disbursing officers.
31 USC 95a note.

Approved March 17, 1954.

Public Law 311

CHAPTER 100

AN ACT

To prohibit reduction of any rating of total disability or permanent total disability for compensation, pension, or insurance purposes which has been in effect for twenty or more years.

March 17, 1954
[H. R. 2984]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a rating of total disability or permanent total disability which has been made for compensation, pension, or insurance purposes under laws administered by the Veterans' Administration, and which has been continuously in force for twenty or more years shall not be reduced thereafter, except upon a showing that such rating was based on fraud.

Veterans.
Disability ratings.

Approved March 17, 1954.

Public Law 312

CHAPTER 102

March 20, 1954
[S. 2714]

AN ACT

To increase the borrowing power of Commodity Credit Corporation.

Commodity
Credit Corpora-
tion.
15 USC 713a-4.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4 of the Act approved March 8, 1938 (52 Stat. 108), as amended, is amended by striking out "\$6,750,000,000" and inserting in lieu thereof "\$8,500,000,000".

52 Stat. 107.
15 USC 713a-1.

(b) (1) The first section of such Act is amended by striking out the following: ", or insofar as practicable, the average market price of such assets during the last month of the fiscal year covered by the appraisal, whichever is the lower,".

(2) Such section is further amended by adding at the end thereof the following: "Such capital impairment shall be restored with appropriated funds as provided herein rather than through the cancellation of notes."

15 USC 714b.

SEC. 2. Section 4 (i) of the Commodity Credit Corporation Charter Act (62 Stat. 1070), as amended, is amended by striking out "\$6,750,000,000", and inserting in lieu thereof "\$8,500,000,000".

Approved March 20, 1954.

Public Law 313

CHAPTER 103

March 23, 1954
[H. R. 5509]

AN ACT

To amend the Army-Navy Medical Services Corps Act of 1947 relating to the per centum of colonels in the Medical Service Corps, Regular Army.

10 USC 156a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Army-Navy Medical Services Corps Act of 1947 (61 Stat. 734), as amended, is hereby amended by deleting the proviso to section 101 and substituting a period for the colon immediately preceding such proviso.

Approved March 23, 1954.

Public Law 314

CHAPTER 104

March 23, 1954
[H. R. 4559]

AN ACT

To amend section 501 of the Communications Act of 1934, so that any offense punishable thereunder, except a second or subsequent offense, shall constitute a misdemeanor rather than a felony.

48 Stat. 1100.
47 USC 501.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 of the Communications Act of 1934, as amended, is amended to read as follows:

"GENERAL PENALTY

"SEC. 501. Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in this Act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this Act required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided in this Act, by a fine of not more than \$10,000 or by imprisonment for a term not

exceeding one year, or both; except that any person, having been once convicted of an offense punishable under this section, who is subsequently convicted of violating any provision of this Act punishable under this section, shall be punished by a fine of not more than \$10,000 or by imprisonment for a term not exceeding two years, or both."

Approved March 23, 1954.

Public Law 315

CHAPTER 105

AN ACT

To direct the Secretary of the Army to convey certain land located in Windsor Locks, Connecticut, to the State of Connecticut.

March 26, 1954
[S. 489]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey by quitclaim deed, without consideration, to the State of Connecticut all right, title, and interest of the United States, except as retained in this Act, in and to the following described land in Windsor Locks, Connecticut, together with all buildings, improvements thereon, and all appurtenances and utilities belonging or appertaining thereto, such land including approximately fifty-eight and six hundred eighty-five one-thousandths acres and formerly designated as the Post Engineer Area of Bradley Field, as shown on maps on file with the Office of the Chief of Engineers:

Windsor Locks,
Conn.
Conveyance.

PARCEL ONE

Beginning at the intersection of the eastern right-of-way line of Connecticut Route Numbered 75 and the northern right-of-way line of the spur track of the New York, New Haven and Hartford Railroad; thence north along the east line of Connecticut Route Numbered 75, north one degree forty-six minutes thirty seconds west, a distance of sixty feet more or less; thence north fifty-three degrees ten minutes east, a distance of five hundred and eighty-eight feet more or less; thence north seventy-two degrees fifteen minutes east, a distance of four hundred seventy-three feet more or less; thence north seventy-eight degrees fifteen minutes east, a distance of three hundred and forty feet more or less; thence south sixty-six degrees twenty-five minutes east, a distance of two hundred and sixty-two feet more or less; thence south seventeen degrees forty-five minutes east, a distance of seventy-seven feet more or less to the northerly boundary of the fifty-foot right-of-way of the spur track of the New York, New Haven and Hartford Railroad; thence along the northern boundary of such railroad spur, south seventy-two degrees fifteen minutes west, a distance of one thousand five hundred and eighty-five feet more or less, to the point of beginning.

PARCEL TWO

Beginning at the intersection of the eastern right-of-way line of Connecticut Route Numbered 75 and the southern right-of-way line of the spur track of the New York, New Haven and Hartford Railroad; thence easterly along the southerly right-of-way line of such spur track, north seventy-two degrees fifteen minutes east, a distance of two thousand six hundred and thirty-five feet more or less; thence south seventy-one degrees thirteen minutes east, a distance of one hundred eighty-three and five-tenths feet more or less; thence south eighteen degrees nine minutes west, a distance of one thousand three hundred

and ninety-five one-hundredths feet more or less; thence north eighty-three degrees thirty minutes west, a distance of seven hundred and seventy-nine feet more or less; thence south twenty degrees ten minutes west, a distance of five hundred seventy-six and twenty-four one-hundredths feet more or less, to the northerly line of highway Connecticut Route Numbered 76; thence westerly, along the northerly line of Connecticut Route Numbered 76, north eighty-three degrees thirty minutes west, a distance of seven hundred and thirty-six feet more or less; thence north twelve degrees no minutes east; a distance of seven hundred and fifteen feet more or less; thence north eighty-five degrees no minutes west, a distance of seven hundred and five feet more or less to the easterly line of highway Connecticut Route Numbered 75, thence north along the easterly line of Connecticut Route Numbered 75, north one degree forty-six minutes thirty seconds west, a distance of thirty feet more or less to the point of beginning.

Mineral rights.

SEC. 2. All mineral rights, including gas and oil, in the lands authorized to be conveyed by this Act shall be reserved to the United States.

Use.

SEC. 3. The conveyance of the property authorized by this Act shall be upon condition that such property shall be used primarily for training of the National Guard and for other military purposes, and that if the State of Connecticut shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States, and in addition, all improvements made by the State of Connecticut during its occupancy shall vest in the United States without payment of compensation therefor.

National emergency.

SEC. 4. The conveyance of the property authorized by this Act shall be upon the further provision that whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Connecticut, for the duration of such state of war or of such emergency. Upon the termination of such state of war or of such emergency plus six months such property shall revert to the State of Connecticut.

SEC. 5. In executing the deed of conveyance authorized by this Act, the Secretary of the Army shall include specific provisions covering the reservations and conditions contained in sections 2, 3, and 4 of this Act.

Approved March 26, 1954.

Public Law 316

CHAPTER 106

AN ACT

March 26, 1954
[S. 2348]

To repeal the Act entitled "An Act to authorize the Director of the Census to collect and publish statistics of red-cedar shingles."

Red-cedar
shingles.

13 USC 94-98.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Director of the Census to collect and publish statistics of red-cedar shingles," approved May 25, 1937 (50 Stat. 204, 205) be, and it is hereby, repealed.

Approved March 26, 1954.

Public Law 317

CHAPTER 107

AN ACT

To authorize the Secretary of the Army to disclaim any interest of the United States in and to certain property located in the State of Washington.

March 26, 1954
[S. 1827]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to disclaim any and all right, title, lien, or interest of the United States in and to certain property located in the city of Seattle, Washington, King County, Washington, hereafter described as follows:

Seattle, Wash.
U. S. title, etc.,
to certain prop-
erty, disclaimer.

A portion of West Canal Street and Burns Avenue Northwest, described as follows: Beginning at the southeast corner of lot 16, block 3, Ross addition; thence on the south line of said lot south eighty-nine degrees thirty-eight minutes thirty-two seconds west seven and forty one-hundredths feet to the true place of beginning; thence south thirty-nine degrees thirty-one minutes west ninety feet to a point on the north line of the Lake Washington Canal; thence following the said north line to the most southerly corner of lot 8, block 1, Seattle tide lands; thence along the easterly and northeasterly lines of said lot 8 to an intersection with the southeasterly line of that portion of Burns Avenue Northwest as vacated by ordinance numbered 76354; thence following said southeasterly line northeasterly to an intersection with the northeasterly line of Burns Avenue Northwest; thence following the northeasterly line of Burns Avenue Northwest and West Canal Street southeasterly to the true place of beginning; Also,

A portion of West Canal Street (formerly Ewing Street), together with a portion of West Bowdoin Place, formerly West Fortieth Street: Beginning at the southeast corner of block 6, Ross addition to the city of Seattle; thence south thirty-nine degrees six minutes no seconds west one hundred thirty and eighteen one-hundredths feet to a point on the northerly line of the Lake Washington Canal right-of-way; thence on the said northerly line, northwesterly four hundred forty-eight and seventy-eight one-hundredths feet; thence north thirty-nine degrees thirty-one minutes east sixty-nine and sixty-six one-hundredths feet to a point on the north line of said block 6, Ross addition; thence on said north line north eighty-nine degrees thirty-eight minutes thirty-two seconds east thirty-one and seventy-three one-hundredths feet to a point on the northerly line of West Canal Street; thence on said line southeasterly three hundred seventy-five and twenty one-hundredths feet to a point on the south line of said block; thence on said line north eighty-nine degrees thirty-eight minutes thirty-two seconds east sixty-three and twelve one-hundredths feet to the place of beginning; Also,

A portion of West Canal Street (formerly Ewing Street), together with a portion of Sixth Avenue Northwest: Beginning at the northwest corner of block 8, Ross addition to the city of Seattle; thence on the west line thereof south no degrees twenty-one minutes twenty-eight seconds east twenty-six and two one-hundredths feet to a point on the northerly line of West Canal Street; thence on said line southeasterly three hundred forty and fifty-one one-hundredths feet to a point on the south line of said block 8; thence south thirty-eight degrees sixteen minutes no seconds west ninety feet to a point on the northerly line of the Lake Washington Canal right-of-way; thence on said line northwesterly three hundred fifty-eight feet, more or less, to a point that bears south thirty-eight degrees fifty-six minutes no seconds west from the place of beginning; thence north thirty-eight degrees fifty-six minutes no seconds east to the place of beginning; Also,

A portion of West Canal Street (formerly Ewing Street): Beginning at the northwest corner of lot 4, block 9, Ross addition to the city of Seattle; thence on the north line of said block north eighty-nine degrees thirty-eight minutes thirty-two seconds east forty-five and twenty-two one-hundredths feet to a point on the northerly line of West Canal Street, as established by ordinance numbered 14267; thence on said line southeasterly two hundred seventy-eight and thirty-nine one-hundredths feet to a point on the east line of said block 9, which said point is south no degrees twenty-one minutes twenty-eight seconds east twenty-two and sixty-four one-hundredths feet from the northeast corner of lot 11 of said block; thence on the east line of said block and the same extended south no degrees twenty-one minutes twenty-eight seconds east one hundred and forty-eight feet, more or less, to a point on the northerly line of the Lake Washington Canal right-of-way; thence on said line northwesterly to a point that bears south thirty-eight degrees six minutes no seconds west from the place of beginning; thence north thirty-eight degrees six minutes no seconds east to the place of beginning.

Approved March 26, 1954.

Public Law 318

CHAPTER 108

JOINT RESOLUTION

March 26, 1954
[S. J. Res. 34]

Authorizing the Secretary of the Army to receive for instruction at the United States Military Academy at West Point two citizens and subjects of the Kingdom of Thailand, and the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis two citizens and subjects of the Kingdom of Belgium.

Thai citizens.
Instruction at
West Point.

Belgian citizens.
Instruction at
Annapolis.

Conditions.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to permit within one year after the date of enactment of this joint resolution, two persons, citizens and subjects of the Kingdom of Thailand, to receive instruction at the United States Military Academy at West Point, New York, but the United States shall not be subject to any expense on account of such instruction.

SEC. 2. The Secretary of the Navy is authorized to permit within one year after the enactment of this joint resolution, upon designation of the President of the United States, two persons, citizens and subjects of the Kingdom of Belgium, to receive instruction at the United States Naval Academy at Annapolis, Maryland, but the United States shall not be subject to any expense on account of such instruction.

SEC. 3. Except as may be otherwise determined by the Secretary of the Army, in the case of persons attending the United States Military Academy, or the Secretary of the Navy, in the case of persons attending the United States Naval Academy, the said persons shall, as a condition to receiving instruction under the provisions of this joint resolution, agree to be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as cadets at the United States Military Academy or midshipmen at the United States Naval Academy, appointed from the United States, but they shall not be entitled to appointment to any office or position in the United States Army or the United States Navy by reason of their graduation from the United States Military Academy or the United States Naval Academy.

10 USC 1099,
1092c.

SEC. 4. Nothing in this joint resolution shall be construed to subject the said persons to the provisions of section 1320 of the Revised Statutes or to section 3 of the Act of June 30, 1950 (64 Stat. 304).

Approved March 26, 1954.

Public Law 319

CHAPTER 109

AN ACT

To permit the flying of the flag of the United States for twenty-four hours of each day in Flag House Square, Baltimore, Maryland.

March 26, 1954
[S. 2111]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942, as amended, authority is hereby conferred on the appropriate officer of the State of Maryland to permit the flying of the flag of the United States for twenty-four hours of each day in Flag House Square, Albemarle and Pratt Streets, Baltimore, Maryland.

Flag House
Square, Baltimore,
Md.
Display of flag.

56 Stat. 377.
36 USC 171-178.

SEC. 2. Subject to the provisions of section 3 of the joint resolution of June 22, 1942, as amended, authority is also conferred on the appropriate officer of the State of Maryland to permit the flying of a replica of the flag of the United States which was in use during the War of 1812 for twenty-four hours of each day in Flag House Square, Albemarle and Pratt Streets, Baltimore, Maryland.

36 USC 175.

Approved March 26, 1954.

Public Law 320

CHAPTER 110

AN ACT

To amend section 309 (c) of the Communications Act of 1934, with respect to the time within which the Federal Communications Commission must act on protests filed thereunder.

March 26, 1954
[H. R. 4558]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 309 (c) of the Communications Act of 1934, as amended, is amended by striking out "fifteen days" and inserting in lieu thereof "thirty days".

66 Stat. 715.
47 USC 309(c).

Approved March 26, 1954.

Public Law 321

CHAPTER 111

AN ACT

To amend section 319 of the Communications Act of 1934 with respect to permits for construction of radio stations.

March 26, 1954
[H. R. 4557]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 319 of the Communications Act of 1934, as amended, is amended by striking out the last sentence thereof; and such section 319 is amended by adding at the end thereof a new subsection as follows:

48 Stat. 1089; 66
Stat. 715.
47 USC 319(b).

"(d) A permit for construction shall not be required for Government stations, amateur stations, or mobile stations. With respect to stations or classes of stations other than Government stations, amateur stations, mobile stations, and broadcasting stations, the Commission

Construction
waiver.

may waive the requirement of a permit for construction if it finds that the public interest, convenience, or necessity would be served thereby: *Provided, however*, That such waiver shall apply only to stations whose construction is begun subsequent to the effective date of the waiver."

Approved March 26, 1954.

Public Law 322

CHAPTER 114

March 27, 1954
[S. 79]

AN ACT

To authorize the Secretary of the Interior to cooperate with the State of Kentucky to acquire non-Federal cave properties within the authorized boundaries of Mammoth Cave National Park in the State of Kentucky, and for other purposes.

Kentucky.
U. S. authority
to acquire cave
properties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to cooperate with the State of Kentucky for the purpose of arranging for the eventual acquisition by the United States of the Great Onyx Cave and the Crystal Cave within the authorized boundaries of Mammoth Cave National Park. The Secretary shall deposit to the credit of a special receipt account that portion of the annual admission, guide, and elevator fee receipts from the said park which exceeds the annual amount available to the park for management, guide, and protection purposes, which funds so deposited may be expended thereafter in payment for the purchase of said cave properties. The Secretary is further authorized to enter into such contracts and agreements as he may determine to be necessary to effectuate the acquisition of the cave properties as authorized herein.

Approved March 27, 1954.

Public Law 323

CHAPTER 115

March 27, 1954
[H. R. 5976]

AN ACT

To amend section 1 of the Natural Gas Act.

Natural Gas Act,
amendment.
52 Stat. 821.

State jurisdic-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Natural Gas Act (15 U. S. C. 717), as amended, is amended by adding thereto a new subsection (c), as follows:

"(c) The provisions of this Act shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale, of natural gas received by such person from another person within or at the boundary of a State if all the natural gas so received is ultimately consumed within such State, or to any facilities used by such person for such transportation or sale, provided that the rates and service of such person and facilities be subject to regulation by a State commission. The matters exempted from the provisions of this Act by this subsection are hereby declared to be matters primarily of local concern and subject to regulation by the several States. A certification from such State commission to the Federal Power Commission that such State commission has regulatory jurisdiction over rates and service of such person and facilities and is exercising such jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction."

Approved March 27, 1954.

Public Law 324

CHAPTER 126

AN ACT

To reduce excise taxes, and for other purposes.

March 31, 1954
[H. R. 8224]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) **SHORT TITLE.**—This Act may be cited as the “Excise Tax Reduction Act of 1954”.

Excise Tax Re-
duction Act of
1954.

(b) **ACT AMENDATORY OF INTERNAL REVENUE CODE.**—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section, subsection, paragraph, or subparagraph, the reference shall be considered to be made to a provision of the Internal Revenue Code.

53 Stat., Pt. 1.
Title 26, USC.**TITLE I—RETAILERS’ EXCISE TAXES****SEC. 101. RETAILERS’ EXCISE TAX ON LUGGAGE, ETC.**

Section 1651 (a) (relating to retailers’ excise tax on luggage, etc.) is hereby amended by striking out “20 per centum” and inserting in lieu thereof “10 per centum”.

SEC. 102. RETAILERS’ EXCISE TAXES ON JEWELRY, FURS, AND TOILET PREPARATIONS.

For reduction in rate of retailers’ excise taxes on jewelry, furs, and toilet preparations, see section 504 (a).

SEC. 103. EFFECTIVE DATE OF TITLE I.

For effective date of this title, see section 505 (a).

TITLE II—TAXES ON ADMISSIONS AND DUES**SEC. 201. TAX ON ADMISSIONS.**

(a) **PERMANENT USE OR LEASE OF BOXES OR SEATS.**—Section 1700 (b) (1) (relating to tax on permanent use or lease of boxes or seats) is hereby amended by striking out “11 per centum” and inserting in lieu thereof “10 per centum”.

(b) **SALES OUTSIDE BOX OFFICE.**—Section 1700 (c) (1) (relating to tax on sales outside box office) is hereby amended by striking out “11 per centum” and inserting in lieu thereof “10 per centum”.

(c) **CABARETS, ROOF GARDENS, ETC.**—The first sentence of section 1700 (e) (1) (relating to tax on cabarets, roof gardens, etc.) is hereby amended to read as follows: “A tax equivalent to 20 per centum of all amounts paid for admission, refreshment, service, or merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance.”

(d) **SINGLE OR SEASON TICKETS AND SUBSCRIPTIONS.**—For reduction in rate of tax on admission by single or season ticket or subscription, see section 504 (a).

(e) **RATE TO APPLY TO MAJOR FRACTIONS.**—Section 1700 (a) (1) (relating to rate of tax on single or season tickets and subscriptions) is hereby amended by striking out “fraction” and inserting in lieu thereof “major fraction”.

(f) **EXEMPTION OF ADMISSIONS OF FIFTY CENTS OR LESS.**—Section 1700 (a) (1) (relating to rate of tax on single or season tickets and subscriptions) is hereby amended by striking out the second sentence thereof and inserting in lieu thereof the following: “No tax shall be imposed under this paragraph on the amount paid for admission—

- “(A) if the amount paid for admission is 50 cents or less, or
“(B) in the case of a season ticket or subscription, if the amount which would be charged to the holder or subscriber for a single admission is 50 cents or less.”

(g) ADMISSIONS TO CERTAIN RACE TRACKS.—

(1) Section 1700 (a) (relating to rate of tax on single or season tickets and subscriptions) is hereby amended by adding at the end thereof the following:

“(3) CERTAIN RACE TRACKS.—In lieu of the tax imposed under paragraph (1), a tax of 1 cent for each 5 cents or major fraction thereof of the amount paid for admission to any place (including admission by season ticket or subscription) if the principal amusement or recreation offered with respect to such admission is horse or dog racing at a race track. The tax imposed under this paragraph shall be paid by the person paying for such admission.”

(2) Section 1700 (b) (relating to rate of tax on permanent use or lease of boxes or seats) is hereby amended—

(A) by striking out “paragraph (1) of subsection (a)” and inserting in lieu thereof “paragraph (1) or (3) of subsection (a)”; and

(B) by inserting after “per centum” the following: “(20 per centum if paragraph (3) of subsection (a) would otherwise apply)”.

(3) Section 1700 (c) (relating to rate of tax on sales outside box office) is hereby amended—

(A) by striking out “paragraph (1) of subsection (a)” and inserting in lieu thereof “paragraph (1) or (3) of subsection (a)”; and

(B) by inserting after “per centum” the following: “(20 per centum if paragraph (3) of subsection (a) applies)”.

(4) The last sentence of section 1700 (e) (1) (relating to tax on cabarets, roof gardens, etc.) is hereby amended by striking out “subsection (a) (1)” and inserting in lieu thereof “paragraph (1) or (3) of subsection (a)”.

(h) CERTAIN ATHLETIC GAMES FOR BENEFIT OF HOSPITALS FOR CRIPPLED CHILDREN.—Section 1701 (a) (2) (relating to nonexempt admissions) is hereby amended by striking out “between two elementary or secondary schools” and inserting in lieu thereof the following: “between teams composed of students from elementary or secondary schools”.

(i) EXEMPTION OF SCHOOL OR COLLEGE ATHLETIC EVENTS.—Section 1701 (a) (2) (relating to nonexempt admissions) is hereby amended by adding at the end thereof the following new sentence: “Clauses (A) and (B) shall not apply in the case of any athletic event between educational institutions held during the regular athletic season for such event, if the proceeds therefrom inure exclusively to the benefit of such institutions.”

(j) HISTORIC SITES, MUSEUMS, AND PLANETARIUMS.—Section 1701 (e) (2) (relating to exemption from admissions tax of historic sites) is hereby amended to read as follows:

“(2) HISTORIC SITES, MUSEUMS, AND PLANETARIUMS.—Any admission to an historic site, house, or shrine, to a museum of history, art, or science, to a planetarium, or to any exhibition in connection with any of the foregoing, operated—

“(A) by any State or political subdivision thereof or by the United States or any agency or instrumentality thereof—
if the proceeds therefrom inure exclusively to the benefit of the State, political subdivision, United States, agency, or instrumentality, or

“(B) by any society or organization not organized for profit—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

For the purposes of subparagraph (A), the term ‘State’ includes Alaska, Hawaii, and the District of Columbia.”

(k) CERTAIN AMATEUR THEATER PERFORMANCES.—Section 1701 (relating to exemptions from the admissions tax) is hereby amended—

(1) by striking out the period at the end of subsection (e) and inserting in lieu thereof “; or”; and

(2) by adding at the end thereof a new subsection as follows:

“(f) CERTAIN AMATEUR THEATER PERFORMANCES.—Any admission to an amateur performance presented and performed by a civic or community theater group or organization—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual.”

SEC. 202. TAX ON DUES.

(a) DUES OR MEMBERSHIP FEES.—Section 1710 (a) (1) (relating to tax on dues or membership fees) is hereby amended by striking out “11 per centum” and inserting in lieu thereof “20 per centum”.

(b) INITIATION FEES.—Section 1710 (a) (2) (relating to tax on initiation fees) is hereby amended by striking out “11 per centum” and inserting in lieu thereof “20 per centum”.

SEC. 203. EFFECTIVE DATE OF TITLE II.

The amendments made by section 201 (other than subsection (b) thereof) shall apply only with respect to amounts paid for admissions on or after April 1, 1954. In addition, such amendments shall apply—

(1) in the case of any season ticket or subscription, only if all the admissions under such ticket or subscription can occur only on or after April 1, 1954; and

(2) in the case of the permanent use of a box or seat or a lease for the use of such box or seat, only if all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after April 1, 1954.

The amendment made by subsection (b) shall apply only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date.

TITLE III—MANUFACTURERS’ EXCISE TAXES

SEC. 301. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) TAX ON SPORTING GOODS.—Section 3406 (a) (1) (relating to manufacturers’ excise tax on sporting goods) is hereby amended by striking out “15 per centum, except that on and after April 1, 1954, the rate shall be 10 per centum;”.

(b) TAX ON PHOTOGRAPHIC APPARATUS.—Section 3406 (a) (4) (relating to manufacturers’ excise tax on photographic apparatus) is hereby amended by striking out “20 per centum” and inserting in lieu thereof “10 per centum”.

(c) TAX ON ELECTRIC LIGHT BULBS AND TUBES.—Section 3406 (a) (10) (relating to manufacturers’ excise tax on electric light bulbs and tubes) is hereby amended to read as follows:

“(10) ELECTRIC LIGHT BULBS AND TUBES.—Electric light bulbs and tubes, not including articles taxable under any other provision of this subchapter, 10 per centum.”

SEC. 302. TAX ON MECHANICAL PENCILS, FOUNTAIN AND BALL-POINT PENS, AND MECHANICAL LIGHTERS FOR CIGARETTES, CIGARS, AND PIPES.

Section 3408 (a) (relating to tax on mechanical pencils, fountain and ball-point pens, and mechanical lighters for cigarettes, cigars, and pipes) is hereby amended by striking out "15 per centum" and inserting in lieu thereof "10 per centum".

SEC. 303. TAX ON MATCHES.

Section 3409 (a) (relating to manufacturers' excise tax on matches) is hereby amended by striking out "2 cents per 1,000 matches" and inserting in lieu thereof the following: "2 cents per 1,000 matches but not more than 10 per centum of the price for which so sold".

SEC. 304. CUTTING OILS.

Section 3413 (relating to tax on lubricating oils) is hereby amended—

(a) by inserting after "6 cents a gallon" the following: "(except that, in the case of cutting oils, the tax shall not exceed 10 per centum of the price for which so sold)"; and

(b) by adding at the end of such section a new sentence as follows: "For the purposes of this section, the term 'cutting oils' means oils used primarily in cutting and machining operations (including forging, drawing, rolling, shearing, punching, and stamping) on metals and known commercially as cutting oils."

SEC. 305. REDUCTION OF TAX ON REFRIGERATORS AND QUICK-FREEZE UNITS AND ON ELECTRIC, GAS, AND OIL HOUSEHOLD APPLIANCES.

(a) **REDUCTION OF TAX.**—Section 3405 (relating to manufacturers' excise tax on refrigerators, quick-freeze units, and self-contained air-conditioning units) is hereby amended by striking out "10 per centum" and inserting in lieu thereof the following: "5 per centum (10 per centum in the case of articles subject to tax under subsection (c))"; and section 3406 (a) (3) (relating to manufacturers' excise tax on electric, gas, and oil appliances) is hereby amended by striking out "10 per centum" and inserting in lieu thereof "5 per centum".

(b) **FLOOR STOCKS REFUND.**—Subchapter A of chapter 29 (relating to manufacturers' excise taxes) is hereby amended by adding at the end thereof a new section as follows:

"SEC. 3416. FLOOR STOCKS REFUND ON REFRIGERATORS, QUICK-FREEZE UNITS, AND ELECTRIC, GAS, AND OIL HOUSEHOLD APPLIANCES.

"(a) **IN GENERAL.**—Where before April 1, 1954, any article subject to the tax imposed by section 3405 (a), section 3405 (b), or section 3406 (a) (3) has been sold by the manufacturer, producer, or importer, and on such date is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the tax made applicable to such article on and after April 1, 1954, if such manufacturer, producer, or importer—

"(1) has paid such amount as reimbursement to the dealer who held such article on April 1, 1954; and

"(2) files claim for such credit or refund before August 1, 1954.

"(b) **DEFINITION OF DEALER.**—As used in this section, the term 'dealer' includes a wholesaler, jobber, distributor, or retailer. For the purposes of this section, an article shall be considered as 'held by a dealer' if title thereto has passed to such dealer (whether or not deliv-

ery to him has been made), and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

“(c) **LIMITATION ON ELIGIBILITY.**—No person shall be entitled to credit or refund under this section unless he has in his possession such evidence of the inventories with respect to which he has made the reimbursements described in subsection (a) as may be required by regulations prescribed under this section.

“(d) **PENALTIES AND ADMINISTRATIVE PROCEDURES.**—All provisions of law, including penalties, applicable in respect of the taxes imposed under sections 3405 (a), 3405 (b), and 3406 (a) (3) shall, insofar as applicable and not inconsistent with this section, be applicable in respect of the credits and refunds provided for in this section to the same extent as if such credits or refunds constituted credits or refunds of such taxes.”

SEC. 306. EFFECTIVE DATE OF TITLE III.

For effective date of this title, see section 505 (a).

TITLE IV—TAX ON COMMUNICATIONS

SEC. 401. TAX ON TELEGRAPH, TELEPHONE, RADIO, AND CABLE FACILITIES.

(a) **TELEPHONE MESSAGES, ETC.**—Section 3465 (a) (1) (A) (relating to tax on telephone messages, etc.) is hereby amended by striking out “20 per centum” and inserting in lieu thereof “10 per centum”.

(b) **TELEGRAPH, CABLE, AND RADIO DISPATCHES.**—Section 3465 (a) (1) (B) (relating to tax on telegraph, cable, and radio dispatches or messages) is hereby amended by striking out “15 per centum of the amount so paid, except that in the case of each international telegraph, cable, or radio dispatch or message the rate shall be 10 per centum” and inserting in lieu thereof the following: “10 per centum of the amount so paid”.

(c) **LEASED WIRE SERVICE.**—Section 3465 (a) (2) (A) (relating to tax on leased wire service, etc.) is hereby amended by striking out “15 per centum” and inserting in lieu thereof “10 per centum”.

(d) **WIRE AND EQUIPMENT SERVICE.**—Section 3465 (a) (2) (B) (relating to tax on wire and equipment service) is hereby amended to read as follows:

“(B) A tax equivalent to 8 per centum of the amount paid for any wire and equipment service (including stock quotation and information services, burglar alarm or fire alarm service, and all other similar services, but not including service described in subparagraph (A)).”

(e) **LOCAL TELEPHONE SERVICE.**—For reduction in rate of tax on local telephone service, see section 504 (a).

SEC. 402. EFFECTIVE DATE OF TITLE IV.

(a) **IN GENERAL.**—Subject to the provisions of subsection (b), the amendments made by section 401 shall apply with respect to amounts paid on or after April 1, 1954, for services rendered on or after such date.

(b) **AMOUNTS PAID PURSUANT TO BILLS RENDERED.**—The amendments made by section 401 shall not apply with respect to amounts paid pursuant to bills rendered before April 1, 1954. In the case of amounts paid pursuant to bills rendered on or after such date for services for which no previous bill was rendered, such amendments shall apply except with respect to such services as were rendered more than 2 months before such date. In the case of services rendered more

than 2 months before such date the provisions of sections 1650 and 3465 of the Internal Revenue Code in effect at the time such services were rendered shall apply to the amounts paid for such services.

(c) **TECHNICAL AMENDMENT.**—Section 1658 is hereby repealed.

TITLE V—MISCELLANEOUS TAXES

SEC. 501. TAX ON SAFE DEPOSIT BOXES.

Section 1850 (a) (relating to tax on the use of safe deposit boxes) is hereby amended by striking out “20 per centum” and inserting in lieu thereof “10 per centum”.

SEC. 502. TAX ON PISTOLS AND REVOLVERS.

Section 2700 (a) (relating to tax on pistols and revolvers) is hereby amended by striking out “11 per centum” and inserting in lieu thereof “10 per centum”.

SEC. 503. TAX ON TRANSPORTATION OF PERSONS, ETC.

For reduction in rate of taxes on the transportation of persons and on seats, berths, etc., see section 504 (a).

SEC. 504. TECHNICAL AMENDMENTS.

(a) **TERMINATION OF TAX RATES UNDER SECTION 1650.**—Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after “beginning with the effective date of title III of the Revenue Act of 1943” the following: “and ending March 31, 1954.”

(b) **RATE REDUCTION DATE.**—Section 1659 (relating to definition of “rate reduction date”) is hereby amended to read as follows:

“SEC. 1659. DEFINITION OF ‘RATE REDUCTION DATE’.

“For the purposes of this chapter the term ‘rate reduction date’ means April 1, 1954.”

(c) **FLOOR STOCKS REFUNDS ON ELECTRIC LIGHT BULBS.**—Section 1657 (a) (relating to floor stocks refunds on electric light bulbs) is hereby amended (1) by striking out “the tax that would have been paid if section 1650 had not been applicable” and inserting in lieu thereof the following: “the tax that would have been paid if the applicable rate had been 10 per centum”; and (2) by striking out “prior to the expiration of three months after the rate reduction date” and inserting in lieu thereof the following: “prior to August 1, 1954, based upon a request for reimbursement submitted by such person to the manufacturer or producer of such article prior to July 1, 1954”.

(d) **BOWLING ALLEYS AND BILLIARD AND POOL TABLES.**—The first sentence of section 3268 (a) (relating to tax on bowling alleys, and billiard and pool tables) is hereby amended to read as follows: “Every person who operates a bowling alley, billiard room, or pool room shall pay a special tax of \$20 per year for each bowling alley, billiard table, or pool table.”

SEC. 505. EFFECTIVE DATES.

(a) The amendments made by title I, title III, and section 502, and the amendment made by section 504 (a) insofar as it affects the rates of the retailers’ excise taxes imposed by sections 2400, 2401, and 2402 of the Internal Revenue Code and the rate of the manufacturers’ excise tax imposed by section 3406 (a) (10) of such Code, shall apply only with respect to articles sold on or after April 1, 1954. For the purposes

of the preceding sentence, an article shall not be considered sold before April 1, 1954, unless possession or right to possession passes to the purchaser before such date. In the case of—

(1) a lease,

(2) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments,

(3) a conditional sale, or

(4) a chattel mortgage arrangement wherein it is provided that the sales price shall be paid in installments,

entered into before April 1, 1954, payments made on or after April 1, 1954, shall, for purposes of this subsection, be considered as payments made with respect to articles sold on or after April 1, 1954.

(b) The amendment made by section 501 shall apply only with respect to amounts paid on or after April 1, 1954.

(c) The amendment made by section 504 (a) shall apply—

(1) insofar as it affects the rate of the tax imposed by section 1700 (a) (1) of the Internal Revenue Code, with respect to amounts paid for admissions on or after April 1, 1954, but, in the case of any season ticket or subscription, only if all the admissions under such ticket or subscription can occur only on or after April 1, 1954;

(2) insofar as it affects the rates of the taxes imposed by subsections (b), (c), and (e) of section 1700 of the Internal Revenue Code, as though the rates listed under the heading "Old Rate" in the table in section 1650 of such Code were the rates established by the amendments made by title II of this Act;

(3) insofar as it affects the rates of the taxes imposed by subsections (a) (1) (A), (a) (2) (A), and (a) (2) (B) of section 3465 of the Internal Revenue Code, as though the rates listed under the heading "Old Rate" in the table in section 1650 of such Code were the rates established by the amendments made by section 401 of this Act;

(4) insofar as it affects the rate of the tax imposed by section 3465 (a) (3) of the Internal Revenue Code, as though such amendment were an amendment made by section 401 of this Act; and

(5) insofar as it affects the rates of the taxes imposed by section 3469 of the Internal Revenue Code, with respect to amounts paid for or in connection with transportation which begins on or after April 1, 1954.

SEC. 506. SPECIAL CREDIT OR REFUND OF TRANSPORTATION AND ADMISSIONS TAXES.

Notwithstanding any other provision of law, in any case in which tax has been collected prior to April 1, 1954, at the rate in effect (without regard to the amendments made by this Act) prior to April 1, 1954, for or in connection with the transportation of persons which begins on or after April 1, 1954, or for admissions (referred to in section 201, other than subsections (b), (c), and (g) thereof, of this Act) on or after April 1, 1954, the person who collected the tax shall pay the same over to the United States; but credit or refund (without interest) of the tax collected in excess of that applicable (by reason of the amendments made by this Act) on or after April 1, 1954, shall be allowed to the person who collected the tax as if such credit or refund were a credit or refund under the applicable provision of the Internal Revenue Code, but only to the extent that, prior to the time such transportation has begun or prior to the event to which the right to admission relates, he has repaid the amount of such excess to the

person from whom he collected the tax, or has obtained the consent of such person to the allowance of the credit or refund. For the purpose of this Act, transportation shall not be considered to have begun on or after April 1, 1954, if any part of the transportation paid for (or for which payment has been obligated) commenced before April 1, 1954.

SEC. 507. SPECIAL FUELS.

(a) EXEMPTION FROM MANUFACTURERS' EXCISE TAX.—

(1) AMENDMENT OF SECTION 3412 (c).—Section 3412 (c) (2) (relating to manufacturers' excise tax on gasoline) is hereby amended to read as follows:

"(2) the term 'gasoline' means all products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline)."

(2) CREDITS AND REFUNDS.—Except in the case of any liquid with respect to which tax was paid under section 3412 as in effect prior to the effective date of this section, clause (iii) of section 3443 (a) (3) (A) is hereby repealed, and clauses (iv), (v), (vi), and (vii) of section 3443 (a) (3) (A) are redesignated clauses (iii), (iv), (v), and (vi), respectively.

(b) IMPOSITION OF RETAILERS' EXCISE TAX.—Section 2450 of the Internal Revenue Code is hereby amended to read as follows:

"SEC. 2450. TAX.

"(a) DIESEL FUEL.—There is hereby imposed a tax of 2 cents a gallon upon any liquid (other than any product taxable under section 3412)—

"(1) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle; or

"(2) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under paragraph (1).

"(b) SPECIAL MOTOR FUELS.—There is hereby imposed a tax of 2 cents a gallon upon benzol, benzene, naphtha, liquefied petroleum gas, or any other liquid (other than kerosene, gas oil, or fuel oil, or any product taxable under section 3412 or subsection (a) of this section)—

"(1) sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane for use as a fuel for the propulsion of such motor vehicle, motorboat, or airplane; or

"(2) used by any person as a fuel for the propulsion of a motor vehicle, motorboat, or airplane unless there was a taxable sale of such liquid under paragraph (1).

"(c) RATE REDUCTION.—On and after April 1, 1955, the taxes imposed by this section shall be 1½ cents a gallon in lieu of 2 cents a gallon."

(c) TECHNICAL AMENDMENTS.—

(1) CREDITS AND REFUNDS.—Section 2452 (a) (relating to credits and refunds) is hereby amended to read as follows:

"(a) NONTAXABLE USE OR SALE BY VENDEE.—A credit against tax under this chapter, or a refund, may be allowed or made to a person in the amount of tax paid by him under this chapter with respect to his sale of any liquid to a vendee for use as fuel in a diesel-powered highway vehicle, or with respect to his sale of benzol, benzene, naphtha, liquefied petroleum gas, or any other liquid to a vendee for use as fuel for the propulsion of a motor vehicle, motorboat, or airplane, if such person establishes, in accordance with regulations prescribed by the Secretary, that—

“(1) either—

“(A) the vendee used such liquid otherwise than as fuel in such a vehicle, motorboat, or airplane or resold such liquid; or

“(B) such liquid was used or was resold for use for any of the purposes, but subject to the conditions, provided in section 3451; and

“(2) such person has repaid or agreed to repay the amount of such tax to such vendee, or has obtained the consent of the vendee to the allowance of the credit or refund.

No interest shall be allowed with respect to any amount of tax credited or refunded under the provisions of this subsection.”

(2) **TAX-FREE SALES.**—Section 2453 (relating to tax-free sales) is hereby amended by striking out “as fuel in a diesel-powered highway vehicle” and inserting in lieu thereof “covered by this chapter”.

(3) **CERTAIN VESSELS.**—Chapter 20 (relating to special fuels) is hereby amended by adding at the end thereof the following new section:

“SEC. 2456. EXEMPTION OF SPECIAL MOTOR FUELS USED FOR CERTAIN VESSELS.

“The exemption from tax under chapter 29 provided in section 3451 shall also apply to the tax imposed under section 2450 (b).”

(4) **CLERICAL AMENDMENT.**—The heading of chapter 20 is hereby amended to read as follows:

“CHAPTER 20—SPECIAL FUELS”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the first day of the first month which begins more than ten days after the date of the enactment of this Act. However, the tax imposed under section 2450 (b) shall not apply to any liquid which has been sold by a producer or importer prior to the effective date of this section and which is taxable under section 3412 (relating to gasoline tax) as in effect prior to the effective date of this section.

TITLE VI—ONE-YEAR EXTENSION OF CERTAIN EXCISE TAX RATES

SEC. 601. ONE-YEAR EXTENSION OF CERTAIN EXCISE TAX RATES.

(a) **EXTENSION OF RATES.**—The following provisions are hereby amended by striking out “April 1, 1954” each place it appears and inserting in lieu thereof “April 1, 1955”:

(1) The second sentence of section 2800 (a) (1) (relating to distilled spirits generally).

(2) The last sentence of section 2800 (a) (3) (relating to imported perfumes containing distilled spirits).

(3) Section 3030 (a) (1) (A) (relating to tax on still wines).

(4) Section 3030 (a) (2) (relating to tax on sparkling wines, liqueurs, and cordials).

(5) The second sentence of section 3150 (a) (relating to tax on fermented malt liquors).

(6) The second sentence of section 3412 (a) (relating to tax on gasoline).

(7) Section 2000 (c) (2) (relating to tax on cigarettes).

(8) Section 3403 (relating to tax on automobiles, etc.).

(b) **TECHNICAL AMENDMENTS.**—

(1) Section 1656 (relating to floor stocks refunds on distilled spirits, wines and cordials, and fermented malt liquors) is hereby amended by striking out "April 1, 1954" each place it appears and inserting in lieu thereof "April 1, 1955", and by striking out "May 1, 1954" and inserting in lieu thereof "May 1, 1955".

(2) Section 3412 (g) (relating to floor stocks refunds on gasoline) is hereby amended by striking out "April 1, 1954" each place it appears and inserting in lieu thereof "April 1, 1955", and by striking out "July 1, 1954" and inserting in lieu thereof "July 1, 1955".

(3) Section 2000 (g) (relating to floor stocks refunds on cigarettes) is hereby amended by striking out "April 1, 1954" each place it appears and inserting in lieu thereof "April 1, 1955", and by striking out "July 1, 1954" and inserting in lieu thereof "July 1, 1955".

(4) Section 3250 (1) (5) (relating to drawback in the case of distilled spirits used in the manufacture of certain nonbeverage products) is hereby amended by striking out "March 31, 1954" and inserting in lieu thereof "March 31, 1955".

(5) Section 497 of the Revenue Act of 1951 (relating to refunds on articles from foreign trade zones) is hereby amended by striking out "April 1, 1954" each place it appears and inserting in lieu thereof "April 1, 1955".

(c) FLOOR STOCKS REFUNDS ON AUTOMOBILES, ETC.—Section 3403 (relating to tax on automobiles, etc.) is hereby amended by adding at the end thereof the following new subsection:

"(f) FLOOR STOCKS REFUNDS.—

"(1) Where before April 1, 1955, any article subject to the tax imposed by subsection (a) or (b) has been sold by the manufacturer, producer, or importer, and is on such date held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after April 1, 1955.

"(2) As used in this subsection, the term 'dealer' includes a wholesaler, jobber, distributor, or retailer. For the purposes of this subsection, an article shall be considered as 'held by a dealer' if title thereto has passed to such dealer (whether or not delivery to him has been made), and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

"(3) Under regulations prescribed by the Secretary, the refund provided by this subsection may be made to the dealer instead of the manufacturer, producer, or importer, if the manufacturer, producer, or importer waives any claim for the amount so to be refunded.

"(4) When the credit or refund provided for in this subsection has been allowed to the manufacturer, producer, or importer, he shall remit to the dealer to whom was sold the article in respect of which the credit or refund was allowed so much of that amount of the tax corresponding to the credit or refund as was included in or added to the price paid or agreed to be paid by the dealer.

"(5) No person shall be entitled to credit or refund under this subsection unless (A) he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed under this

65 Stat. 540.
26 USC 2000
note.

subsection, and (B) claim for such credit or refund is filed with the Secretary before July 1, 1955.

“(6) All provisions of law, including penalties, applicable in respect of the tax imposed under subsections (a) and (b) shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the credits and refunds provided for in this subsection.”

Approved March 31, 1954.

Public Law 325

AN ACT

CHAPTER 127

To provide for the establishment of a United States Air Force Academy, and for other purposes.

April 1, 1954
[H. R. 5337]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Air Force Academy Act”.

Air Force Acad-
emy Act.

SEC. 2. There is hereby established in the Department of the Air Force a United States Air Force Academy, hereinafter referred to as the “Academy”, for the instruction and preparation for military service of selected persons who shall be known as Air Force cadets.

SEC. 3. (a) The Secretary of the Air Force shall determine the location of the Academy within the United States in the following manner:

Location.

(1) The Secretary of the Air Force shall establish immediately a commission, and appoint five members thereof, to advise him in connection with the selection of a permanent location for the Academy. The commission shall make its report to the Secretary as soon as practicable.

(2) The Secretary shall accept the unanimous decision for a permanent location by such commission. In the event such recommendation is not unanimous, the commission by a majority vote shall submit to the Secretary three sites from which the Secretary shall select one as the permanent location.

(b) Following the selection of a location for the Academy, the Secretary of the Air Force is authorized—

(1) to acquire land from other Government agencies without reimbursement, with the consent of such agencies;

(2) to acquire lands and rights pertaining thereto, or other interests therein, including the temporary use thereof, by donation, purchase, exchange of Government owned lands, or otherwise, without regard to section 601, Act of September 28, 1951 (65 Stat. 365; 40 U. S. C. 551);

(3) to prepare plans, specifications, and designs, to make surveys and to do all other preparatory work, by contract or otherwise, as he deems necessary or advisable in connection with the construction, equipping and organization of the Academy at such location; and

(4) to construct and equip temporary or permanent Public Works, including buildings, facilities, appurtenances, and utilities, at such location.

SEC. 4. For the purpose of providing temporary facilities and enabling early operation of the Academy, the Secretary of the Air Force is authorized to provide for the erection of the minimum additional number of temporary buildings and the modification of existing structures and facilities at an existing Air Force base and to provide for the proper functioning, equipping, maintaining, and repairing thereof; and to contract with civilian institutions for such operation or instruction as he may deem necessary.

Temporary facil-
ities.

- Applicable laws.** SEC. 5. All appropriate provisions of law, not inconsistent with the purposes of this Act, which pertain to the United States Military Academy shall, by the authority of this section, also pertain to the United States Air Force Academy. All references in these laws to the Secretary of the Army, the Army, or any officer or agency thereof shall, in pertaining to the Air Force Academy, be construed as referring, respectively, to the Secretary of the Air Force, the Air Force, and such officers and agencies of the Air Force as he may designate. The organization of the Air Force Academy shall be prescribed by the Secretary of the Air Force.
- Organization.**
- Appointment of Air Force cadets.** SEC. 6. To permit an orderly increase in the number of Air Force cadets during the period ending not more than four years after the entrance of the initial class at the Academy, the Secretary of the Air Force may limit the number to be appointed each year during that period in the following manner:
- (a) Each Senator and Representative shall nominate not to exceed ten persons, who shall be eligible to take a competitive examination which shall be held annually. The number of vacancies allocated to each State shall be proportional to the representation in Congress from that State. Appointments from each State shall be made from among qualified candidates nominated from that State in the order of merit established by the examinations.
- (b) Vacancies allocated to other sources shall be filled from among qualified candidates in each category in order of merit established by similar competitive examinations and shall not exceed 15 per centum of the total number of appointments authorized.
- SEC. 7. Section 302 (b) of the Air Force Organization Act of 1951 (65 Stat. 329; 10 U. S. C. 1832 (b)) is amended by inserting after the words "provided by law," the words "the professors and cadets of the Air Force Academy,".
- Service preference for appointment as officer.** SEC. 8. (a) Notwithstanding any other provision of law, each cadet at the United States Military Academy and the United States Air Force Academy and each midshipman at the United States Naval Academy shall, prior to his graduation from such Academy, be afforded an opportunity to state a preference for appointment as a commissioned officer of the United States Army, the United States Navy, the United States Air Force, or the United States Marine Corps, upon his graduation, and, with the consent of the Secretaries of the military departments having jurisdiction over such Academy and over the armed force in which he prefers appointment, shall, upon his graduation, be accepted for appointment in such armed force, except that not more than 12½ per centum of the members of any graduating class of any such Academy shall be appointed as commissioned officers in armed forces other than the one administering such Academy. For the purpose of the foregoing limitations, graduates of the United States Naval Academy appointed as commissioned officers in the United States Marine Corps shall not be considered as having been commissioned in armed forces other than the United States Navy.
- (b) The Secretary of Defense shall by regulation provide for the equitable and fair distribution of appointments made pursuant to this section in the event that more than 12½ per centum of a graduating class of any academy referred to herein expresses a preference to be so appointed.
- (c) The provisions of this section shall take effect (1) in the year in which the first class of the United States Air Force Academy graduates, or (2) upon the rescission of the present agreement under which graduates of the United States Military and Naval Academies may volunteer for appointment in the United States Air Force, whichever is earlier.

SEC. 9. There is hereby authorized to be appropriated not to exceed the sum of \$126,000,000 to carry out the provisions of this Act, of which not to exceed \$26,000,000 shall be appropriated for any period beginning prior to January 1, 1955. Of the amount so appropriated for any such period, not to exceed \$1,000,000 may be utilized for the purpose of section 4 of this Act.

Approved April 1, 1954.

Appropriation.

Public Law 326

CHAPTER 128

AN ACT

To provide for the exchange between the United States and the Commonwealth of Puerto Rico of certain lands and interests in lands in Puerto Rico.

April 1, 1954
[S. 1548]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

U. S. and Puerto
Rico.
Exchange of
lands.

TITLE I

SEC. 101. The Secretary of the Army is authorized to convey to the Commonwealth of Puerto Rico, in exchange for the land identified in title IV hereof, all right, title, and interest of the United States in and to real estate identified in titles II and III and more fully described on maps and in descriptions on file in the Office, Chief of Engineers, United States Army.

TITLE II

SEC. 201. Those lands acquired by the United States of America, without payment of compensation, under the Treaty of Paris and set aside for military purposes by Executive order, dated June 30, 1903, identified as follows:

(a) A strip of land alongside of Munoz Rivera Avenue, San Juan, and east of Army medical building, containing four and eight-tenths acres; the site of the San Sebastian Guardhouse at 205 Sol Street, San Juan, containing five one-hundredths acre; old walls around La Fortaleza containing sixty-six one-hundredths acre; driveway to Insular Department Justice containing eleven one-hundredths acre, and all shown in detail on drawing numbered 15-02-142, dated August 15, 1951, entitled "Fort Brooke Military Reservation."

(b) Fort Mayaguez Military Reservation, comprising seven and five one-hundredths acres and shown on drawing numbered 18-01-180, dated August 17, 1949, entitled "Fort Mayaguez Military Reservation."

TITLE III

SEC. 301. Those lands acquired by the United States of America through condemnation proceedings and payment of just compensation as determined thereby, identified as follows:

(a) Punta Las Marias Military Reservation, comprising eighty-seven one-hundredths acre, and shown on drawing numbered 18-01-150, dated November 24, 1948, entitled "Punta Las Marias SL and FC Site."

(b) Punta Cangrejos (Battery Lancaster) Military Reservation, comprising fifteen and eight one-hundredths acres, and shown on drawing numbered 18-01-114, dated November 10, 1948, entitled "Battery Lancaster (Numbered 264) Military Reservation."

(c) Punta Maldonado Military Reservation, comprising one acre, and shown on drawing numbered 18-01-151, entitled "Punta Maldonado SL and FC Site."

(d) Mata Redonda Military Reservation, comprising ninety-eight and forty-seven one-hundredths acres of fee-owned land and one and eighty-one one-hundredths acres of roadway easements, and shown on drawing numbered 18-01-155, dated December 3, 1948, entitled "Mata Redonda Gun Emplacement Site."

(e) Point Lima Military Reservation, comprising one hundred thirty-five and eight-two one-hundredths acres of fee-owned land and nine acres of roadway, electric transmission line, and water pipeline easements, and shown on drawing numbered 18-01-152, dated November 24, 1948, entitled "Point Lima Gun Emplacement Site."

(f) Camp O'Reilly Military Reservation, comprising nine hundred six and eighty-nine one-hundredths acres, and shown on drawing numbered 18-01-160, entitled "Camp O'Reilly Military Reservation."

(g) Tract 16 of Salinas Maneuver Site, comprising three hundred sixty-nine and ninety-eight one-hundredths acres, and shown on drawing numbered 18-01-126, dated November 1, 1948, entitled "Salinas Maneuver Site."

TITLE IV

SEC. 401. The Secretary of the Army is authorized to accept from the Commonwealth of Puerto Rico, without cost to the United States, a conveyance by the Governor of Puerto Rico of the lands identified below and more fully described on maps and in descriptions on file in the Office, Chief of Engineers, United States Army:

(a) Area numbered 1 comprising about one thousand four hundred acres of rural and agricultural lands abutting along the upper one-half of the east boundary of the existing Salinas maneuver site and area numbered 2 comprising about five thousand one hundred acres of rural and agricultural lands abutting along the west and north boundaries of the reservation. These areas are shown on drawing numbered 15-02-24, dated April 10, 1951, entitled "Expansion of Salinas Maneuver Site."

Approved April 1, 1954.

Public Law 327

CHAPTER 133

April 2, 1954
[H. R. 5632]

AN ACT

To provide for the conveyance of a portion of the Camp Butner Military Reservation, North Carolina, to the State of North Carolina.

Camp Butner Military Reservation,
N. C.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to convey to the State of North Carolina all the right, title, and interest of the United States in and to (a) a tract of land in Granville County, North Carolina, comprising twenty-six and four-tenths acres, more or less, together with buildings and improvements thereon, being a portion of the cantonment area of the former Camp Butner Military Reservation, and (b) a tract of land comprising four thousand seven hundred thirty-four and nine one-hundredths acres more or less in Durham and Granville Counties, North Carolina, being the same property now utilized by the State of North Carolina National Guard as a general firing range, subject, however, to reservation in the United States of all mineral rights, including gas and oil, in the land authorized to be conveyed by this Act.

SEC. 2. The conveyance of the property identified in section 1 of this Act to the State of North Carolina shall be made without consideration therefor and upon condition that it shall be used for military purposes only, and in the event it shall not be used for such purposes title thereto shall immediately revert to the United States, and, in addition, title to all improvements made by the State of North Carolina during its occupancy shall vest in the United States without payment of compensation therefor. The deed of conveyance shall contain the further provision that whenever the Congress of the United States shall declare a state of war or other national emergency, or the President declares a state of emergency to exist, and upon the determination by the Secretary of Defense that the property so conveyed is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without charge, except as indicated below, to reenter upon the property and use the same or any part thereof, including any and all improvements made by the State of North Carolina, for a period not to exceed the duration of such state of war or national emergency plus six months, and upon cessation of such use, such property shall revert to the State of North Carolina, together with any or all improvements thereon and appurtenances appertaining thereto: *Provided, however,* That the United States shall be responsible during the period of such use for the entire cost of maintaining all of the property so used, and shall pay a fair rental for the use of any structures or other improvements which have been added thereto without Federal aid.

Conditions.

SEC. 3. The cost of any surveys necessary as an incident of the conveyance authorized herein shall be borne by the grantee.

Survey cost.

Approved April 2, 1954.

Public Law 328

CHAPTER 134

JOINT RESOLUTION

Providing for the observance of April 9, the twelfth anniversary of the fall of Bataan, as Bataan Day.

April 8, 1954
[S. J. Res. 143]

Whereas April 9 of this year marks the twelfth anniversary of the end of the epic struggle of American and Filipino forces on Bataan; and Whereas Bataan symbolizes the spirit which moves men of different races and different creeds to fight shoulder to shoulder for their freedom; and

Whereas the rallying of the people of the Philippines to the side of the United States and the other United Nations in the recent struggle in Korea was a further expression of American-Filipino unity; and

Whereas the people of the Philippines have demonstrated to all other nations in the Asian sphere the fact that mutual friendship and mutual security are common goals, and the role of the United States in Asia is that of a friend of peoples, regardless of race; and

Whereas President Ramon Magsaysay has designated April 9 as Bataan Day in the Philippines: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, the twelfth anniversary of the fall of Bataan, should be observed as Bataan Day and that the Congress recommends that on that day the flags of the United States and the Republic of the Philippines be flown, and that encouragement be given to the holding of appropriate services in schools and churches, and in other gatherings.

Bataan Day.

Approved April 8, 1954.

Public Law 329

CHAPTER 135

April 9, 1954
[H. J. Res. 461]

JOINT RESOLUTION

Making an additional appropriation for the Department of Labor for the fiscal year 1954, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1954, the following sum:

DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

SALARIES AND EXPENSES, MEXICAN FARM LABOR PROGRAM

For an additional amount for "Salaries and expenses, Mexican farm labor program", \$478,000.

Approved April 9, 1954.

Public Law 330

CHAPTER 136

April 13, 1954
[H. R. 1568]

AN ACT

To amend section 6 of chapter 786 of the Act of June 6, 1900, entitled "An Act making further provision for a civil government for Alaska, and for other purposes" (31 Stat. 323; title 48, sec. 108, U. S. C.).

Alaska.
Deputy Commissioners.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of chapter 786 of the Act of June 6, 1900, entitled "An Act making further provision for a civil government for Alaska, and for other purposes" (31 Stat. 323; title 48, sec. 108, U. S. C.), be amended by adding to said section the following:

"The judges of the district courts may appoint Deputy Commissioners who shall have full power and authority to act for and in the name of the Commissioners, in every capacity and with all of the power and authority possessed or exercised by the Commissioners, the compensation of such deputy to be paid by the Commissioner in the precinct for which appointed out of receipts of the office in an amount fixed by the district judge with the approval of the Director of the Administrative Office of the United States Courts.

"Each Deputy Commissioner shall, before entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the court, or a judge thereof, in a penalty fixed by the court, for the faithful performance of his official duties, and file the same with the clerk, who shall send a certified copy thereof to the Director of the Administrative Office of the United States Courts."

Approved April 13, 1954.

Public Law 331

CHAPTER 137

April 13, 1954
[H. R. 2747]

AN ACT

To amend title 17 of the United States Code entitled "Copyrights" with respect to the day for taking action when the last day for taking such action falls on Saturday, Sunday, or a holiday.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 17, United Copyright Office.

States Code, is hereby amended by adding at the end thereof a new section 216 to read as follows:

“§ 216. When the day for taking action falls on Saturday, Sunday, or a holiday.

“When the last day for making any deposit or application, or for paying any fee, or for delivering any other material to the Copyright Office falls on Saturday, Sunday, or a holiday within the District of Columbia, such action may be taken on the next succeeding business day.”

SEC. 2. The table of contents of chapter 3 of title 17 of the United States Code is amended by adding at the end thereof “216. When the day for taking action falls on Saturday, Sunday, or a holiday.”

Approved April 13, 1954.

61 Stat. 665.

Public Law 332

AN ACT

CHAPTER 140

To facilitate the development of building materials in Alaska through the removal of volcanic ash from portions of Katmai National Monument, Alaska, and for other purposes.

April 15, 1954
[H. R. 1529]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of aiding in the development of building materials essential to the growth of Alaska, the Secretary of the Interior is authorized, in his discretion, for a period of fifteen years from the date of approval of this Act, pursuant to the provisions of the Act of July 31, 1947 (61 Stat. 681), as amended, to permit the removal of deposits of siliceous volcanic ash, commonly known as pumicite, from such areas as he may designate along the shores of Shelikof Strait in Katmai National Monument, Alaska.

Alaska.
Volcanic ash
removal.

43 USC 1185-
1188.

Approved April 15, 1954.

Public Law 333

AN ACT

CHAPTER 141

To authorize the exchange, upon terms fully protecting the public interest, of the United States Public Health quarantine station at Marcus Hook, Pennsylvania, for a new quarantine station.

April 15, 1954
[S. 2405]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of section 2 of this Act, the Administrator of General Services, with the approval of the Secretary of Health, Education, and Welfare, is hereby authorized, on behalf of the United States, to exchange with the Sun Oil Company, upon such terms and conditions as the Administrator may determine to be in the public interest, the lands and buildings comprising the United States Public Health quarantine station at Marcus Hook, Pennsylvania, for a new quarantine station (including land and buildings, a wharf, approaches, roadways, and other improvements incidental thereto, to be constructed in accordance with plans and specifications approved by the Administrator) to be provided by the Sun Oil Company upon a suitable site in the Philadelphia port area.

Marcus Hook, Pa.
U. S. quarantine
station.

SEC. 2. The exchange authorized by the first section of this Act shall not be made unless the Administrator of General Services determines (1) that the value to the United States of the property to be conveyed

Restrictions.

to it is equal to or in excess of the market value of the property to be conveyed by the United States, or (2) that the United States is to receive from the Sun Oil Company, upon conveyance of the properties to be exchanged, a sum of money equal to the amount by which the market value of the property to be conveyed by the United States exceeds the value to the United States of the property to be conveyed to the United States. Any money received by the United States in connection with the exchange shall be covered into the Treasury as a miscellaneous receipt.

Approved April 15, 1954.

Public Law 334

CHAPTER 142

AN ACT

April 15, 1954
[H. R. 4024]

To change the name of the Appomattox Court House National Historical Monument to the "Appomattox Court House National Historical Park".

Appomattox
Court House Na-
tional Historical
Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the historical site known as the "Appomattox Court House National Historical Monument", located near Appomattox, Virginia, shall hereafter be known and designated as the "Appomattox Court House National Historical Park". Any law, regulation, document, or record of the United States in which such site is designated or referred to by the name of the "Appomattox Court House National Historical Monument" shall be held and considered to refer to such site by the name of the "Appomattox Court House National Historical Park".

Approved April 15, 1954.

Public Law 335

CHAPTER 143

AN ACT

April 15, 1954
[H. R. 6434]

To amend sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act so as to simplify the procedures governing the establishment of food standards.

Food standards
regulations.
52 Stat. 1046.

Initiation of ac-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C., sec. 341), is amended by inserting "(a)" after "SEC. 401." and by adding at the end of such section the following new subsection:

"(b) (1) Any action under subsection (a) for the issuance, amendment, or repeal of any regulation shall be begun by a proposal made (A) by the Secretary of his own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, filed with the Secretary. The Secretary shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Secretary shall by order act upon such proposal and shall make such order public. Except as provided in paragraph (2), the order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

Filing of objec-
tions.

"(2) At any time prior to the thirtieth day after the date on which an order entered under paragraph (1) is made public, any person who will be adversely affected by such order if placed in effect may file objections thereto with the Secretary, specifying with particularity the provisions of the order deemed objectionable, stating the grounds

therefor, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Secretary under paragraph (3), the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Secretary shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

“(3) As soon as practicable after such request for a public hearing, the Secretary, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Secretary shall by order act upon such objections and make such order public. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact on which the order is based. The Secretary shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication unless the Secretary finds that emergency conditions exist necessitating an earlier effective date, in which event the Secretary shall specify in the order his findings as to such conditions. Such order shall be subject to the provisions of section 701 (f) and (g).”

Public hearing.

21 USC 371.

SEC. 2. Section 701 (e) of the Federal Food, Drug, and Cosmetic Act is amended by striking out “401,”.

SEC. 3. In any case in which, prior to the date of the enactment of this Act, a public hearing has been begun, in accordance with section 701 (e) of the Federal Food, Drug, and Cosmetic Act, upon a proposal to issue, amend, or repeal any regulation contemplated by section 401 of such Act, the provisions of such Act, as in force immediately prior to the date of the enactment of this Act, shall be applicable as though this Act had not been enacted.

Hearings pending.

Approved April 15, 1954.

Public Law 336

CHAPTER 144

AN ACT

To remove certain limitations upon the sale or conveyance of land heretofore conveyed to the city of Miles City, Montana, by the United States.

April 15, 1954
[H. R. 4984]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the city of Miles City, Montana, is authorized to sell or convey for industrial purposes such portion of the thirty-seven and twenty-six one-hundredths acres of land more particularly described in the Act of August 8, 1946 (60 Stat. 946), which were conveyed to such city by the Secretary of the Interior pursuant to such Act to be used for industrial and recreational purposes as may be deemed by the city council of such city to be appropriate, notwithstanding any limitations upon the use of such property imposed by such Act of August 8, 1946, or by the patent issued thereunder: *Provided*, That any such sale or conveyance shall be at fair market value as determined by the Secretary of Agriculture at the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands covered by this bill, and the net proceeds of such sale or conveyance shall be deposited in the general funds of the Treasury of the United States.

Miles City, Mont.
Conveyance.

Approved April 15, 1954.

Public Law 337

CHAPTER 152

April 17, 1954
[H. R. 3306]

AN ACT

To provide for the relief of certain reclamation homestead entrymen.

North Platte
Reclamation Project.
Mineral rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where reclamation homestead entry was made prior to July 17, 1914, pursuant to the Act of June 17, 1902 (32 Stat. 389, 43 U. S. C., sec. 431), as amended and supplemented, for lands in the Northport Division or the Interstate Division of the North Platte Reclamation Project, and after such entry the lands have been or are hereafter withdrawn, classified, or reported as being valuable for any of the minerals named in the Act of July 17, 1914 (38 Stat. 509, 30 U. S. C., sec. 121-123), the Act of March 4, 1933 (47 Stat. 1570, 30 U. S. C., sec. 124), or the Act of March 3, 1909 (35 Stat. 844, 30 U. S. C., sec. 81), the patent shall not contain a reservation of such minerals. If any such mineral deposits on account of which the lands were withdrawn, classified or reported as being valuable have been leased by the United States, such patent shall be made subject to the rights of the lessee, but the patentee shall be subrogated to the rights of the United States under the lease.

Approved April 17, 1954.

Public Law 338

CHAPTER 153

April 17, 1954
[H. R. 5529]

AN ACT

To preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battles of Manassas, and for other purposes.

Manassas National Battlefield
Park.
Boundaries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to establish satisfactory boundaries for the Manassas National Battlefield Park, in the State of Virginia, and to contain within such boundaries the important historic lands relating to the two battles of Manassas, the boundaries of such battlefield park hereafter shall contain that area which is bounded, in general, as follows: The south boundary of the park shall be the southernmost limits of the present federally owned lands in the south portion of the park; the east and northeast boundaries shall be that portion of the Bull Run Creek which extends from the south boundary of the park north and westward to the north boundary of the park as hereinafter prescribed; the southwest boundary shall be that portion of Compton's Lane from its nearest point adjacent to the south boundary and extending northwesterly to State secondary highway numbered 622; the west and northwest boundary shall be State secondary highway numbered 622, from the point where it connects with Compton's Lane and extending northward until it reaches the Sudley Church property; the north boundary shall be the northernmost limits of the present Federal park holdings in the immediate vicinity of the Sudley Church property. The boundaries of the park also may include not more than two hundred and fifty acres of land adjacent to the aforesaid west and north boundaries of the park, which land shall become a part of the park upon acquisition thereof by the United States: *Provided,* That the total acreage which may be acquired for the park pursuant to this Act shall not exceed one thousand four hundred acres. Such land or interests therein may be procured by the Secretary of the Interior in such manner as he may consider to be in the public interest.

For exchange purposes, particularly in connection with State and other highway developments, the Secretary is authorized to accept, on behalf of the United States, any non-Federal land or interests therein situated within the park area herein prescribed, and in exchange therefor to convey park land or interests therein of approximately equal value.

Approved April 17, 1954.

Public Law 339

AN ACT

CHAPTER 160

April 19, 1954
[S. 1456]

To amend the Act entitled "An Act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory", approved May 7, 1928, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory", approved May 7, 1928, as amended, is hereby amended by striking out clauses (2) and (3) of section 1 of said Act and inserting in lieu thereof the following: "and (2) that the said Gorgas Memorial Institute be, and it is hereby, authorized within its discretion, henceforth to accept from any of the Latin American Governments, or from any other sources, any funds which may be offered or given for the use of the Gorgas Memorial Institute for the maintenance and operation of the Gorgas Memorial Laboratory, and for carrying on the work of said Laboratory wherever deemed by the said Institute to be necessary or desirable."

Gorgas Memorial
Laboratory.

45 Stat. 491.
22 USC 278.

Approved April 19, 1954.

Public Law 340

AN ACT

CHAPTER 169

April 22, 1954
[H. R. 7110]

To provide that title to certain school lands shall vest in the States under the Act of January 25, 1927, notwithstanding any Federal leases which may be outstanding on such lands at the time they are surveyed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act confirming in States and Territories title to lands granted by the United States in the aid of common or public schools", approved January 25, 1927, as amended (43 U. S. C., sec. 870), is amended by adding at the end thereof the following new subsection:

School lands.
Title.

44 Stat. 1026.

"(d) (1) Notwithstanding subsection (c), the fact that there is outstanding on any numbered mineral section at the time of its survey a lease or leases entered into by the United States, or an application therefor, shall not prevent the grant of such numbered mineral section to the State concerned as provided in this Act.

"(2) Any numbered mineral section which has been surveyed prior to the date of the enactment of this subsection, and which has not been granted to the State concerned solely by reason of the fact that there was outstanding on it at the time of the survey a lease or leases entered into by the United States, or an application therefor, is hereby granted by the United States to such State under this section as if it had not been so leased; and the State shall succeed to the position of the United States as lessor under such lease or leases.

“(3) Any numbered mineral section which is surveyed on or after the date of the enactment of this subsection, and on which there is outstanding at the time of such survey a lease or leases entered into by the United States, shall (unless excluded from the provisions of this section by subsection (c) for a reason other than the existence of an outstanding lease) be granted to the State concerned immediately upon completion of such survey; and the State shall succeed to the position of the United States as lessor under such lease or leases.

“(4) The Secretary of the Interior shall, upon application by a State, issue patents to the State for the lands granted by this Act, in accordance with the Act of June 12, 1934 (48 Stat. 1185, 43 U. S. C. sec. 871a). Such patent shall include a statement that the State succeeded to the position of the United States as lessor at the time the title vested in the State.

“(5) Where, at the time rents, royalties, and bonuses accrue, the lands or deposits covered by a single lease are owned in part by the State and in part by the United States, the rents, royalties, and bonuses shall be allocated between them in proportion to the acreage in said lease owned by each.”

SEC. 2. Subsection (c) of such Act, as amended, is amended by striking out “That” and by inserting in lieu thereof the following: “Except as provided in subsection (d).”

Approved April 22, 1954.

Public Law 341

CHAPTER 170

April 22, 1954
[H. R. 7380]

AN ACT

To authorize the Secretary of Commerce to reconvey certain property which the city of Boulder, Colorado, donated to the Secretary of Commerce for the establishment of a radio propagation laboratory.

Boulder, Colo.
Reconveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any other law to the contrary notwithstanding, the Secretary of Commerce is authorized to reconvey, without compensation in such manner and on such other terms and conditions as he deems to be in the best interests of the United States, to the city of Boulder, Colorado, two acres of land more or less, consisting of a portion of a tract of some two hundred and ten acres of land in Boulder County, Colorado, which tract was conveyed without compensation to the United States Government represented by the Secretary of Commerce, as a site for a radio laboratory under authority of Public Law 366, Eighty-first Congress, approved October 25, 1949 (63 Stat. 886), the said land reconveyed to be used by the city of Boulder, Colorado, as part of a site for a water reservoir.

15 USC 272 note.

Approved April 22, 1954.

Public Law 342

CHAPTER 171

April 22, 1954
[S. J. Res. 146]

JOINT RESOLUTION

To authorize the designation of October 16, 1954, as National Olympic Day.

Whereas the XVIth Olympic Games of the modern era will be held in Melbourne, Australia, November 22 to December 8, 1956, with Winter Games to be held at Cortina d'Ampezzo, Italy, January 26 to February 5, 1956; and
Whereas the Pan American Games will be held in Mexico City in March 1955; and

Whereas these games will afford an opportunity of bringing together young men and women representing more than seventy nations, of many races, creeds, and stations in life and possessing various habits and customs, all bound by the universal appeal of friendly athletic competition, governed by rules of sportsmanship and dedicated to the principle that the important thing is for each and every participant to do his very best to win in a manner that will reflect credit upon himself or herself, and the country represented; and

Whereas the peoples of the world in these trying times require above all else occasions for friendship and understanding, and among the most telling things which influence people of other countries are the acts of individuals and not those of governments; and

Whereas experiences afforded by the Olympic and Pan American Games make a unique contribution to common understanding and mutual respect among all peoples; and

Whereas previous Olympic and Pan American Games have proved that competitors and spectators alike have been imbued with ideals of friendship, chivalry, and comradeship and impressed with the fact that accomplishment is reward in itself; and

Whereas the United States Olympic Association is presently engaged in assuring maximum support for the teams representing the United States at Mexico City, Melbourne, and Cortina d'Ampezzo; and

Whereas a day set aside by this Nation for a rededication to the amateur ideal could accomplish great good in encouraging good will for these games: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the 16th of October 1954 as National Olympic Day and urging all citizens of our country to do all in their power to support the XVIth Olympic Games, the Winter Games to be held in 1956, and the Pan American Games to be held in 1955, and to insure that the United States will be fully and adequately represented in these games.

Approved April 22, 1954.

National Olympic Day, 1954.

Public Law 343

CHAPTER 172

JOINT RESOLUTION

Authorizing the District of Columbia to enter into interstate civil-defense compacts.

April 22, 1954
[S. J. Res. 63]

Whereas several States have heretofore entered into interstate civil defense compacts with other States in form substantially as follows:

"INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

"The contracting States solemnly agree:

"Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full, and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care, and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment, or supplies, shall be incorporated into a plan

or plans of mutual aid to be developed among the civil-defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

"Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any material and equipment available for civil defense. In carrying out such civil-defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices, and rules and regulations including—

"(a) Insignia, arm bands, and any other distinctive articles to designate and distinguish the different civil-defense services;

"(b) Blackouts and practice blackouts, air-raid drills, mobilization of civil-defense forces, and other tests and exercises;

"(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

"(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

"(e) Shutting off water mains, gas mains, electric power connections, and the suspension of all other utility services;

"(f) All materials or equipment used or to be used for civil-defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

"(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

"(h) The safety of public meetings or gatherings; and

"(i) Mobile support units.

"Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided, that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil-defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges, and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil-defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil-defense authorities of the State receiving assistance.

"Article 4. Whenever any person holds a license, certificate, or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical, or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate, or other permit as if issued in the State in which aid is rendered.

"Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

"Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies.

"Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil-defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

"Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of, any equipment answering a request for aid and for the cost incurred in connection with such requests; provided, that any aiding party State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further, that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil-defense forces for the compensation paid to and the transportation, subsistence, and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment, or facilities so utilized or consumed.

"Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil-defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines, and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

"Article 10. This compact shall be available to any State, territory, or possession of the United States, and the District of Columbia. The term 'State' may also include any neighboring foreign country or province or state thereof.

"Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

"Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

"Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

"Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby."; and

Whereas the District of Columbia has been requested by several of the States to enter into such compacts with such States; and

Whereas the Commissioners of the District of Columbia are without authority to enter into such compacts: Therefore be it

District of Co-
lumbia.

Civil-defense
compacts.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are authorized to enter into and execute on behalf of the District of Columbia interstate civil-defense compacts with the States, substantially in the form set forth in the preamble of this Act. The form of compact set forth in the preamble of this Act may include, in lieu of the second sentence of article 3 thereof, the following: "Each party State shall extend to the civil-defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges, and immunities as are extended to the civil-defense forces of such State."

64 Stat. 1245.
50 USC app. 2251
note.

SEC. 2. Notwithstanding the provisions of the Federal Civil Defense Act of 1950, the consent of Congress is hereby granted to each compact entered into by the District of Columbia with any State pursuant to the provisions of this Act.

SEC. 3. Whenever any such compact becomes operative by ratification of the parties thereto, such compact shall have the force and effect of law.

SEC. 4. As used in this Act the word "State" includes the Territories and possessions of the United States and the District of Columbia and with respect to the District of Columbia the word "Governor" means the Commissioners of the District of Columbia.

Approved April 22, 1954.

Public Law 344

CHAPTER 174

JOINT RESOLUTION

Requesting the President to proclaim the week May 2 to May 8, 1954, inclusive, as National Mental Health Week.

April 27, 1954
[S. J. Res. 130]

Whereas there is presently a great need for nationwide action for the prevention, treatment, and cure of mental illness; and

Whereas the National Association for Mental Health and the State and local mental health organizations associated therewith are working diligently in the fight against mental illness; and

Whereas the mental health fund is in dire need of public support in order to improve conditions in mental hospitals, provide more adequate treatment for the mentally and emotionally ill, carry on research in the field of the prevention, treatment, and cure of mental illness, and promote mental health education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the week beginning May 2 and ending May 8, 1954, as National Mental Health Week, and urging the people throughout the Nation to cooperate in the fight for the prevention, treatment, and cure of mental illness, and inviting the communities of the United States to observe such week with appropriate ceremonies and activities.

Approved April 27, 1954.

National Mental
Health Week, 1954.

Public Law 345

CHAPTER 175

AN ACT

To amend the Communications Act of 1934, as amended.

April 27, 1954
[H. R. 6436]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (b) of the Communications Act of 1934, as amended, is amended to read as follows:

“(b) Subject to the provisions of section 301, nothing in this Act shall be construed to apply or to give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service by wire or radio of any carrier, or (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier, or (3) any carrier engaged in interstate or foreign communication solely through connection by radio, or by wire and radio, with facilities, located in an adjoining State or in Canada or Mexico (where they adjoin the State in which the carrier is doing business), of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier, or (4) any carrier to which clause (2) or clause (3) would be applicable except for furnishing interstate mobile radio communication service or radio communication service to mobile stations on land vehicles in Canada or Mexico; except that sections 201 through 205 of this Act, both inclusive, shall, except as otherwise provided therein, apply to carriers described in clauses (2), (3), and (4).”

Intrastate activities.

48 Stat. 1065.
47 USC 152(b).

47 USC 301.
Commission jurisdiction.
Limitation.

47 USC 201-205.

"Interstate communication,"
47 USC 153.

SEC. 2. So much of section 3 (e) of the Communications Act of 1934, as amended, as follows the semicolon is amended to read as follows: "but shall not, with respect to the provisions of title II of this Act, include wire or radio communication between points in the same State, Territory, or possession of the United States, or the District of Columbia, through any place outside thereof, if such communication is regulated by a State commission".

"Connecting carrier,"
47 USC 221(b).

SEC. 3. Section 3 (u) of the Communications Act of 1934, as amended, is amended to read as follows:

"(u) 'Connecting carrier' means a carrier described in clauses (2), (3), or (4) of section 2 (b)."

47 USC 301.
State telephone service.

SEC. 4. Section 221 (b) of the Communications Act of 1934, as amended, is amended to read as follows:

"(b) Subject to the provisions of section 301, nothing in this Act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with wire, mobile, or point-to-point radio telephone exchange service, or any combination thereof, even though a portion of such exchange service constitutes interstate or foreign communication, in any case where such matters are subject to regulation by a State commission or by local governmental authority."

Approved April 27, 1954.

Public Law 346

CHAPTER 176

April 29, 1954
[H. R. 8539]

AN ACT

To extend the period of election under the Uniformed Services Contingency Option Act of 1953 for certain members of the uniformed services.

67 Stat. 502.
37 USC 372.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 (a) of the Uniformed Services Contingency Option Act of 1953 is amended by deleting in the third sentence the words "one hundred and eighty days" and substituting therefor the words "one year".

Approved April 29, 1954.

Public Law 347

CHAPTER 177

April 30, 1954
[H. R. 3477]

AN ACT

To extend to the Canal Zone Government and the Panama Canal Company provisions of the Act entitled "An Act to facilitate the settlement of the accounts of certain deceased civilian officers and employees of the Government", approved August 3, 1950.

Canal Zone.
Deceased government employees.
64 Stat. 396.
5 USC 61h.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3 of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress), is amended to read as follows:

"(b) Accounts not payable under section 3 (a) (with the exception of accounts of employees of the District of Columbia which shall be paid by the District of Columbia, accounts of employees of the Canal Zone Government on the Isthmus of Panama which shall be paid by the Canal Zone Government, and accounts of employees of wholly owned and mixed-ownership Government corporations which may be paid by such corporations) shall be payable on settlement of the General Accounting Office except as the Comptroller General may by regulation otherwise authorize or direct".

SEC. 2. Section 7 of the said Act of August 3, 1950, is amended by deleting the words: "to the accounts of officers and employees of the Panama Canal and the Panama Railroad on the Isthmus of Panama, or".

5 USC 61k.

SEC. 3. This amendatory Act shall be effective two months from the date of its enactment as of which time section 84 of title 2 of the Canal Zone Code, as added by section 1 of the Act of August 10, 1949 (ch. 415, 63 Stat. 593), is repealed.

Effective date.

Approved April 30, 1954.

Public Law 348

CHAPTER 178

AN ACT

To provide for the conveyance of certain real property to the city of Saint Joseph, Michigan.

April 30, 1954
[H. R. 7402]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey to the city of Saint Joseph, Michigan, upon payment by such city of \$3,300, all of the right, title, and interest of the United States in and to lot numbered 112 in such city, for use as a parking lot (being a portion of the property which was formerly known as the Saint Joseph Lighthouse Reservation, Michigan, and which was conditionally conveyed to such city by the Secretary of Commerce under the Act of May 28, 1935), notwithstanding any conditions or limitations imposed by section 17 or section 36 of such Act (49 Stat. 307, 311), or by the deed of conveyance issued thereunder.

Saint Joseph,
Mich.

Conveyance.

Approved April 30, 1954.

Public Law 349

CHAPTER 180

AN ACT

To establish limitations on the numbers of officers who may serve in various commissioned grades in the Army, Navy, Air Force, and Marine Corps, and for other purposes.

May 5, 1954
[H. R. 7103]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Officer Grade Limitation Act of 1954".

Officer Grade
Limitation Act of
1954.

TITLE I—ARMY

SEC. 101. The number of commissioned officers on active duty in the Army in each of the following grades on the last day of each fiscal year when compared to the total number of commissioned officers on active duty in the Army authorized by the Secretary of the Army (exclusive of Reserve officers on active duty for training purposes only, and officers serving with other departments or agencies of the Government on a reimbursable basis) shall not exceed the numbers which are set forth in the following table:

Commissioned
officers.

Officer strength	General	Colonel	Lieutenant colonel	Major
50,000.....	350	3,352	6,940	9,350
60,000.....	400	3,752	8,045	10,950
70,000.....	425	4,102	9,150	12,500
80,000.....	450	4,452	10,205	14,050
90,000.....	475	4,752	11,260	15,600
100,000.....	495	5,002	12,265	17,060
110,000.....	510	5,202	13,270	18,370
120,000.....	520	5,402	14,175	19,680
130,000.....	530	5,602	15,075	20,890
140,000.....	540	5,802	15,875	22,095
150,000.....	550	6,002	16,675	23,300

In the event such authorized strength of commissioned officers on active duty falls between two strengths shown in the above table the numbers will be determined by mathematical interpolation between the numbers prescribed for the two strengths. The numbers authorized for any grade prescribed in the above table may be exceeded by the cumulative number of vacancies in any higher grades. Not more than 50 per centum of the general officer strength may be in a grade above brigadier general.

SEC. 102. When the authorized strength of the Army in commissioned officers on active duty exceeds one hundred and fifty thousand, the Secretary of the Army shall, in general conformity with the table set forth in section 101 of this title, fix the authorized strength in each of the grades covered by that table.

TITLE II—COMMISSIONED OFFICERS IN THE NAVY AND MARINE CORPS

61 Stat. 831.
34 USC 5a(a).

Line officers.
Distribution.

34 USC 5a(k).

SEC. 201. Subsection 303 (a) of the Officer Personnel Act of 1947, is amended to read as follows:

“SEC. 303. (a) Of the total number of line officers serving on active duty at any one time, exclusive of officers carried by law as additional numbers in grade and of fleet admirals, the number of officers who may serve in each of the grades above lieutenant shall, except as otherwise provided by subsection 303 (k) of this Act, be no greater than a number appropriate to the total number as set forth in the following table:

“UNRESTRICTED LINE

“Total line officers, exclusive of officers carried by law as extra numbers and of fleet admirals	Rear admiral and above	Captain	Commander	Lieutenant commander
32,000.....	215	1,920	3,840	5,760
40,000.....	222	2,320	4,498	7,080
50,000.....	228	2,758	5,235	8,650
60,000.....	237	3,140	5,851	10,148
70,000.....	244	3,479	6,374	11,487
80,000.....	252	3,782	6,821	12,752
90,000.....	259	4,053	7,205	13,914
100,000.....	262	4,295	7,538	15,030
125,000.....	291	4,792	8,201	17,500
150,000.....	305	5,165	8,683	19,500
175,000.....	323	5,441	9,017	21,175
200,000.....	342	5,640	9,244	22,560
250,000.....	379	5,854	9,504	24,600

In the event the total number of such line officers serving on active duty falls between two strengths shown in the above table the number in each grade shall be determined by proportionate interpolation between the respective numbers prescribed for the two strengths. Of the number of officers determined under this section for each grade below captain not to exceed the following percentages may be officers designated for limited duty: In the grade of commander, 3.64 per centum; in the grade of lieutenant commander 8.62 per centum.”

considered for all purposes as the authorized number of officers in each of such various grades and shall not be varied between such computations: *Provided*, That to determine the authorized number of line officers designated for limited duty in each of the various grades above lieutenant, the Secretary of the Navy, as of the date of approval of this Act and thereafter at such times that the needs of the service require but not less than once annually, shall compute the maximum number of such officers which may serve in each of such various grades, as provided in subsection (a) of this section, and shall determine the number of such officers in each of such various grades, not to exceed such maximum number, required to meet the needs of the service during the ensuing year, and the resulting number in each of such various grades, as so determined, shall be held and considered for all purposes as the authorized number of such officers in each of such various grades, and shall not be varied between such determinations:”.

Limited duty. 34 USC 5a(k). SEC. 204. Subsection 303 (k) of the Officer Personnel Act of 1947 is amended to read as follows:

Temporary appointments. 34 USC 4, 5. “(k) Upon determination of the authorized number of officers in each of the various grades above lieutenant, with respect to officers serving on active duty as provided in this section, and with respect to officers holding permanent appointments on the active list of the Regular Navy, as provided in section 103 of title I and section 203 of title II of this Act, computations shall be made by the Secretary of the Navy to determine the authorized number of officers which may serve under temporary appointment in the line in each of the various grades above lieutenant and in each grade in a staff corps where computations are prescribed to determine the authorized number. At the same time, the Secretary of the Navy shall determine within the combined grades of lieutenant, lieutenant (junior grade), and ensign, the number of officers serving under temporary appointments required in each of those grades to meet the needs of the service. Should the Secretary of the Navy determine, at the time of making the computations prescribed by subsections (g) and (h) of this section, that in any grade above lieutenant a lesser number of officers than the computed number of officers for that grade is required to meet the needs of the service, the lesser number shall be held and considered to be the authorized number for that grade and the reduction may be applied as an increase in the authorized number of such officers in any lower grade or grades.”

34 USC 626-1(a). SEC. 205. Subsection 314 (a) of the Officer Personnel Act of 1947 is amended to read as follows:

Marine Corps. Commissioned officers. “SEC. 314. (a) Commissioned officers of the Marine Corps shall be authorized in number in the same proportion to authorized enlisted strength and shall be distributed in grades, promoted, retired, and discharged in like manner and with the same relative conditions in all respects as provided for commissioned officers of the line of the Navy, by existing law, or by laws hereafter enacted, except as may be necessary to adapt the said provisions to the Marine Corps, or as herein otherwise provided. Of the total number of officers not restricted in the performance of duty serving on active duty at any one time, exclusive of officers carried by law as additional numbers in grade, the number of officers who may serve in each of the grades above captain shall, except as otherwise provided by subsection 303 (k) of this Act, be no greater than a number appropriate to the total number as set forth in the following table:

"UNRESTRICTED LINE

"Total line officers, exclusive of officers carried by law as extra numbers	Brigadier general and above	Colonel	Lieutenant colonel	Major
10,000.....	51	600	1,200	1,800
12,500.....	52	615	1,250	2,175
15,000.....	53	630	1,295	2,535
17,500.....	54	645	1,335	2,880
20,000.....	55	660	1,370	3,210
22,500.....	57	670	1,400	3,525
25,000.....	59	680	1,425	3,825
27,500.....	61	690	1,445	4,110
30,000.....	63	700	1,460	4,380
32,500.....	65	705	1,470	4,635
35,000.....	67	710	1,475	4,875

In the event the total number of such line officers serving on active duty falls between two strengths shown in the above table the number in each grade shall be determined by proportionate interpolation between the respective numbers prescribed for the two strengths. Of the number of officers determined under this section for each grade below colonel not to exceed the following percentages may be officers designated for limited duty: In the grade of lieutenant colonel, 3.64 per centum; in the grade of major, 8.62 per centum."

TITLE III—COMMISSIONED OFFICERS OF THE AIR FORCE

SEC. 301. The number of commissioned officers of the Air Force on active duty in each of the following grades on the last day of each fiscal year shall not exceed the numbers, set forth in columns 2, 3, 4, and 5 of the following table, applicable to the total number of commissioned officers of the Air Force determined by the Secretary of the Air Force to be on active duty.

1. Total commissioned officers on active duty	2. General officers	3. Colonel	4. Lieutenant colonel	5. Major
50,000.....	312	3,133	6,065	9,455
60,000.....	324	3,540	6,822	11,298
70,000.....	336	3,857	7,427	13,125
80,000.....	349	4,107	7,920	14,936
90,000.....	363	4,299	8,316	16,740
100,000.....	380	4,440	8,620	18,530
110,000.....	398	4,750	9,350	20,295
120,000.....	416	5,020	10,056	22,056
130,000.....	434	5,273	10,725	23,803
140,000.....	452	5,484	11,368	25,536
150,000.....	470	5,665	12,000	27,255
160,000.....	478	5,842	12,608	28,976
170,000.....	486	5,974	13,175	30,685
180,000.....	495	6,075	13,716	32,328

SEC. 302. If the number of commissioned officers on active duty falls between two strength figures set forth in column 1 of the table set forth in section 301 of this title, the numbers in columns 2, 3, 4, and 5 of that table shall be determined by mathematical interpolation between the numbers prescribed for the two strengths.

SEC. 303. Not more than 50 per centum of the general officer strength may be in a grade above brigadier general.

SEC. 304. The strength authorized for any grade under the table set forth in section 301 of this title may be exceeded by the number of officers in that grade who are on active duty for training purposes only plus the number assigned to an agency or department, other than the Department of the Air Force, on a reimbursable basis.

SEC. 305. The strength authorized for any grade under section 301, 302, or 303 of this title which is not utilized for that grade may be utilized for any lower grade.

SEC. 306. Whenever circumstances require that the actual strength of the Air Force in commissioned officers on active duty be more than one hundred and eighty thousand, the Secretary of the Air Force shall, in general conformity with the table set forth in section 301 of this title, fix the authorized strength of each of the grades covered by that table.

TITLE IV—MISCELLANEOUS PROVISIONS

Armed Forces.
Commissioned
officer personnel.

SEC. 401. Subsection 631 (a), and that portion of subsection 631 (b) occurring before the proviso of the Act of August 1, 1953 (67 Stat. 355), are repealed.

SEC. 402. That portion of title II of the Act of August 1, 1953, appearing under the heading "Retired Pay" (67 Stat. 337), is amended by deleting all after the word "necessary" and substituting therefor a period.

National emer-
gency.

SEC. 403. The President may suspend all or any part of the provisions of this Act in time of war, or in time of national emergency hereafter declared by the Congress or by the President. Notwithstanding section 426 (c) of the Officer Personnel Act of 1947, as amended, the President may suspend all or any part of those provisions of the Officer Personnel Act of 1947, which are amended by this Act, which relate to grades above that of lieutenant, only in time of war, or in time of national emergency hereafter declared by the Congress or by the President.

65 Stat. 109.
34 USC 3e.

61 Stat. 798.
34 USC 3a note.

Report.

SEC. 404. Not later than January 30 of each year, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall present to the Committees on Armed Services of the House of Representatives and the Senate, the estimated active-duty personnel requirements for his respective service for the next fiscal year, the estimated number of commissioned officers in each grade on active duty whether by permanent or temporary appointment, to be promoted during the next fiscal year, and an analysis of the current distribution by grade of commissioned officers serving on active duty, whether by permanent or temporary appointment.

Approved May 5, 1954.

Public Law 350

CHAPTER 181

AN ACT

May 6, 1954
[H. R. 8127]

To amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes.

Federal-Aid
Highway Act of
1954.
23 USC 9a note.
Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated the sum of \$700,000,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957.

The sum herein authorized for each fiscal year shall be available for expenditure as follows:

(a) \$315,000,000 for projects on the Federal-aid primary highway system.

(b) \$210,000,000 for projects on the Federal-aid secondary system.

(c) \$175,000,000 for projects on the Federal-aid primary highway system in urban areas, and for projects on approved extensions of the Federal-aid secondary system within urban areas.

The sums authorized by this section for each fiscal year, respectively, shall be apportioned among the several States in the manner now provided by law and in accordance with the formulas set forth in section 4 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838).

Apportionment.

Any sums apportioned to any State under the provision of this section shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds for any fiscal year shall be deemed to have been expended if a sum equal to the total of the sums apportioned to the State for such fiscal year is covered by formal agreements with the Secretary of Commerce for the improvement of specific projects as provided by this Act: *Provided further*, That in the case of those sums heretofore, herein, or hereafter apportioned to any State for projects on the Federal-aid secondary highway system, the Secretary of Commerce may, upon the request of any State, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of such secondary road projects by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for such projects are in accord with the standards and procedures of such State applicable to projects in this category approved by him: *Provided further*, That such approval shall not be given unless such standards and procedures are in accordance with the objectives set forth in section 1 (b) of the Federal-Aid Highway Act of 1950: *Provided further*, That nothing contained in the foregoing provisos shall be construed to relieve any State of its obligation now provided by law relative to maintenance, nor to relieve the Secretary of Commerce of his obligation with respect to the selection of the secondary system or the location of projects thereon, to make a final inspection after construction of each project, and to require an adequate showing of the estimated and actual cost of construction of each project: *Provided further*, That not more than 10 per centum of the amount apportioned to each State under subparagraphs (a), (b), or (c) of this section may be transferred from the apportionment under one subparagraph to the apportionment under either of the other subparagraphs: *Provided further*, That such transfer is requested by the State highway department and is approved by the Governor of said State and the Secretary of Commerce as being in the public interest: *Provided further*, That the total of such transfers shall not increase the original apportionment under any subparagraph by more than 10 per centum: *Provided further*, That the transfers hereinabove permitted for funds authorized to be appropriated for the fiscal years ending June 30, 1956, and June 30, 1957, shall likewise be permitted on the same basis for funds heretofore or hereafter authorized to be appropriated for any prior or subsequent fiscal year: *And provided further*, That nothing herein contained shall be deemed to alter or impair the authority contained in the last proviso to subparagraph (b) of section 3 of the Federal-Aid Highway Act of 1944.

64 Stat. 786.

58 Stat. 839.

Interstate high-
ways.

58 Stat. 842.
23 USC 60.

Apportionment.

Federal share.

SEC. 2. (a) For the purpose of expediting the construction, reconstruction, and improvement, inclusive of necessary bridges and tunnels, of the national system of interstate highways, including extensions thereof through urban areas, designated in accordance with the provisions of section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), there is hereby authorized to be appropriated the additional sum of \$175,000,000 for the fiscal year ending June 30, 1956, and a like additional sum for the fiscal year ending June 30, 1957. The sum herein authorized for each fiscal year shall be apportioned among the several States in the following manner: one-half in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census: *Provided*, That no State shall receive less than three-fourths of 1 per centum of the money so apportioned; and one-half in the manner now provided by law for apportionment of funds for the Federal-aid primary system: *Provided further*, That the Federal share payable on account of any project on the national system of interstate highways provided for by funds made available under the provisions of this section shall be increased to 60 per centum of the total cost thereof, plus a percentage of the remaining 40 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area.

(b) Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for two years after the close of fiscal year for which such sums are authorized: *Provided*, That such funds shall be deemed to be expended upon execution of formal agreements with the Secretary of Commerce for the improvement of specific projects under this section.

(c) Any amount apportioned to the States under the provisions of this section unexpended at the end of the period during which it is available for expenditure under the terms of subsection (b) of this section shall lapse.

Forest roads.
23 USC 23.

SEC. 3. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957; and (2) for forest development roads and trails the sum of \$24,000,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957: *Provided*, That with respect to any proposed construction or reconstruction of a timber access road, advisory public hearings shall be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction: *Provided further*, That hereafter funds available for forest development roads and trails shall also be available for vehicular parking areas: *Provided further*, That the appropriation herein authorized for forest highways shall be apportioned by the Secretary of Commerce for expenditure in the several States, Alaska, and Puerto Rico in accordance with the provision of section 3 of the Federal-Aid Highway Act of 1950.

64 Stat. 786.
23 USC 23 note.
National-park
roads.

SEC. 4. (a) For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads author-

ized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$12,500,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957.

(b) For the construction, reconstruction, and improvement of parkways, authorized by Acts of Congress, on lands to which title is vested in the United States, there is hereby authorized to be appropriated the sum of \$11,000,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957.

(c) For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957: *Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Secretary of Commerce before any expenditures are made thereon, and all such construction shall be under the general supervision of the Secretary of Commerce.

SEC. 5. For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$1,000,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957, to remain available until expended.

SEC. 6. Any funds authorized for the fiscal year ending June 30, 1955, or herein authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be immediately available for contract: *Provided*, That any amount remaining unexpended two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated.

SEC. 7. For the purpose of carrying out the provisions of section 1 of the Act entitled "An Act to provide for cooperation with Central American Republics in the construction of the Inter-American Highway", approved December 26, 1941 (55 Stat. 860), as amended by section 11 of the Federal-Aid Highway Act of 1950, approved September 7, 1950 (64 Stat. 785), there is hereby authorized to be appropriated, in addition to the sums heretofore authorized, the sum of \$8,000,000 for the fiscal year ending June 30, 1955, and a like sum for each fiscal year thereafter up to and including the fiscal year ending June 30, 1959, to be available until expended, to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and completion of construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall

16 USC 8a-8c.

Parkways.

Indian roads.

25 USC 318a.

Federal reservations.
64 Stat. 789.

Administration
of funds.

Inter-American
Highway.

64 Stat. 789.

find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear.

Nicaragua.
66 Stat. 160.

SEC. 8. For the purpose of carrying out the provisions of section 5 of the Federal-Aid Highway Act of 1952 (66 Stat. 158), there is hereby authorized to be appropriated to the Department of State, in addition to the sums heretofore authorized, the sum of \$2,000,000 for the fiscal year ending June 30, 1955, and a like sum for the fiscal year ending June 30, 1956, to be available until expended, for completing the United States obligation under the applicable agreement with the Republic of Nicaragua: *Provided*, That the survey and construction work authorized by the said section 5 shall be under the general supervision of the Secretary of Commerce.

Civil defense.

SEC. 9. In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

Research program.

SEC. 10. (a) The Secretary of Commerce is authorized in his discretion to engage in research on all phases of highway construction, reconstruction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws, and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 21 of the Federal Highway Act (42 Stat. 212), as amended. The provisions of section 3709 of the Revised Statutes (41 U. S. C., sec. 5) shall not be applicable to contracts or agreements made under the authority of this subsection.

42 Stat. 217.
23 USC 21.

Report.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards, and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

Study of utility relocation.

SEC. 11. The Secretary of Commerce is hereby directed to make a study in cooperation with the State highway departments and other parties in interest relative to the problems posed by necessary relocation and reconstruction of public utilities services resulting from highway improvements authorized under this Act. Among other things, such a study shall include a review and financial analysis of existing relationships between the State highway departments and affected utilities of all types, and a review of the various State statutes regulating existing relationships, to the end that a full and informative report may be made to the President for transmittal to the Congress of the United States not later than February 1, 1955.

Report.

Federal Highway Act, draft of bill.

SEC. 12. The Secretary of Commerce is authorized and directed to transmit to the Committees on Public Works of the Senate and of the House of Representatives not later than December 31, 1954, a suggested draft of a bill or bills for a Federal Highway Act, which will include such provisions of existing law, and such changed or new provisions as the Secretary deems advisable. The Secretary shall also submit a

Report.

report commenting on the draft of bill or bills, which shall include specific reference to each change in, or omission of, any provision of existing law.

SEC. 13. The Secretary of Commerce is authorized and directed to make a comprehensive study of all phases of highway financing, including a study of the costs of completing the several systems of highways in the several States and of the progress and feasibility of toll roads with particular attention to the possible effects of such toll roads upon the Federal-aid highway programs, and coordination thereof, and to make a report of his findings including recommendations with respect to Federal participation in toll roads, to be submitted to the Congress not later than February 1, 1955: *Provided*, That not to exceed \$100,000 from funds available for administrative expenses shall be expended for the purposes of this section.

Highway financing, study.

Report.

SEC. 14. For the purpose of expediting the interstate planning and coordination of a continuous Great River Road and appurtenances thereto traversing the Mississippi Valley from Canada to the Gulf of Mexico in general conformity with the provisions of the Federal Aid Road Act of July 11, 1916, as amended and supplemented, and with the recommended plan set forth in the joint report submitted to the Congress November 28, 1951, by the Secretaries of Commerce and Interior pursuant to the Act of August 24, 1949 (Public Law 262, Eighty-first Congress), there is hereby authorized to be expended by the Secretary of Commerce from general administrative funds not to exceed \$250,000; the amount expended under this section shall be apportioned among the ten States bordering the Mississippi River in proportion to the amount allocated by these respective States for the improvement and extension of existing sections of this highway project as approved by the Secretary of Commerce in cooperation with other public agencies concerned therewith.

Great River Road.

39 Stat. 355.
23 USC 9a note.

63 Stat. 626.

SEC. 15. The term "highway", as defined in section 2 of the Federal Highway Act of November 9, 1921 (42 Stat. 212), as amended and supplemented, shall be deemed to include "tunnels".

"Highway."
23 USC 2.

SEC. 16. The Secretary of Commerce may approve as a part of the Federal-aid secondary system, extensions through urban areas, connecting points on that system, provided that Federal participation in projects on such extensions shall be limited to urban funds.

Urban area extensions.

SEC. 17. (a) Highway construction work performed in pursuance of agreements between the Secretary of Commerce and any State highway department which requires approval by the Secretary of Commerce and which is financed in whole or in part by funds authorized under this or succeeding Acts, shall be performed by contract awarded by competitive bidding under such procedures as may by regulations be prescribed by the Secretary of Commerce, unless the Secretary of Commerce shall affirmatively find that, under the circumstances relating to a given project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

Contracts, etc.

(b) In any case in which approval by the Secretary of Commerce of any contract for such highway construction work is required, the Secretary shall require as a condition precedent to such approval a sworn statement executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

Report.

62 Stat. 753.

SEC. 18. Section 1020 of title 18 of the United States Code is amended to read as follows:

“§ 1020. Highway projects

“Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Commerce; or

“Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Commerce; or

23 USC 9a note.

“Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, “Shall be fined not more than \$10,000 or imprisoned not more than five years, or both.”

23 USC 60-63,
21, 23c, 3a note,
16 USC 8b.

SEC. 19. All provisions of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838); the Federal-Aid Highway Act of 1948, approved June 29, 1948 (62 Stat. 1105); and the Federal-Aid Highway Act of 1950, approved September 7, 1950 (64 Stat. 785); and the Federal-Aid Highway Act of 1952, approved June 25, 1952 (66 Stat. 158), not inconsistent with this Act, shall remain in full force and effect.

Separability.

SEC. 20. If any section, subsection, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

Effective date.

SEC. 21. All Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed, and this Act shall take effect on its passage.

Connecticut.

SEC. 22. (a) That all Federal-aid road funds heretofore paid on the section of Federal-Aid Primary Route Numbered 39 included in Federal-aid project UI-147 in the State of Connecticut, which section is to be made a part of a highway from the New York State line at Greenwich to the Rhode Island State line at Killingly, planned as an expressway authorized by chapter 107, part IV, General Statutes of Connecticut, 1953 Supplement, shall, prior to the collection of any tolls on said section, be repaid to the Treasurer of the United States, and the amount so repaid shall be deposited to the credit of the appropriation for Federal-aid highways. At the time of such repayment, the project agreement with respect to said Federal-aid project UI-147 shall be cancelled. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on said project, shall be credited to the unprogramed balance of Federal-aid road funds of the same class last apportioned to the State of Connecticut. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as now or hereafter amended and supplemented.

23 USC 1 note.

(b) By virtue of the design and plan of said highway in relation to the three sections of Federal-Aid Primary Route Numbered 1 included in Federal-aid projects UI-29, UI-64, and FI-145, which permit unrestricted use of said sections without payment of tolls, it is hereby declared that the incorporation of said sections into said highway will not violate any provision of said Federal Highway Act, as amended and supplemented, or any regulation thereunder. If at any time the highway commissioner of the State of Connecticut shall determine to impose tolls upon or for the use of any one or more of said sections, all Federal-aid road funds theretofore paid or programmed for expenditure on such section or sections upon which tolls are to be imposed, shall be transferred for programming and expenditure in cooperation with the Connecticut State Highway Department pursuant to the provisions of said Federal Highway Act, as now or hereafter amended and supplemented. At the time of such transfer, the project agreement with respect to the project for which the funds are transferred shall be canceled. Upon such cancellation, the Secretary of Commerce is authorized and directed to credit the Federal pro rata share of such project agreement to the unprogrammed balance of Federal-aid road funds of the same class last apportioned to the State of Connecticut. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of said Federal Highway Act, as now or hereafter amended and supplemented. In lieu of the transfer thereof, the highway commissioner of the State of Connecticut may repay the Federal-aid road funds paid on any such section in the same manner and with the same effect as is provided with respect to the repayment of Federal-aid road funds in subsection (a) of this section.

(c) Upon the repayment or transfer of Federal-aid road funds, as hereinbefore provided, any such section or sections included in the project with respect to which such repayment or transfer is made, shall become and be free from any and all restrictions contained in said Federal Highway Act, as amended and supplemented, or any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

SEC. 23. This Act may be cited as the "Federal-Aid Highway Act of 1954".

Short title.

Approved May 6, 1954.

Public Law 351

CHAPTER 182

JOINT RESOLUTION

Giving the consent of Congress to an agreement between the State of Alabama and the State of Florida establishing a boundary between such States.

May 6, 1954
[H. J. Res. 347]

Whereas the Legislature of the State of Alabama passed an Act designated as Act Numbered 440, Senate bill numbered 231, which was approved by the Governor of such State on August 28, 1953; and Whereas the Legislature of the State of Florida passed an Act designated as chapter 28141, Senate bill numbered 1155, which was approved by the Governor of such State on June 12, 1953; and Whereas such Acts both provided in substance that upon ratification, confirmation, and adoption of such Acts by the Congress of the United States, the boundary between such States at the mouth of the Perdido River, and adjacent thereto, should be as follows:

The middle of the Perdido River at its mouth, as defined by the Constitutions of the States of Alabama and Florida, is at latitude

thirty degrees sixteen minutes fifty-three seconds north and longitude eighty-seven degrees thirty-one minutes six seconds west as the control point;

That the boundary line at the mouth of Perdido River is fixed, as nearly as may be, in the axis of the mouth of said river, passing through the control point and running north and south and having as its northern terminus a point of latitude thirty degrees seventeen minutes two seconds north and longitude eighty-seven degrees thirty-one minutes six seconds west, and as its southern terminus a point one thousand feet due south of the control point;

That from the northern terminus of the boundary line at the mouth of the river, the boundary up the lower portion of said river be a straight line to a point of latitude thirty degrees eighteen minutes no seconds north, longitude eighty-seven degrees twenty-seven minutes eight seconds west, thence by a straight line to a point in the center line of the Intracoastal Canal at longitude eighty-seven degrees twenty-seven minutes no seconds west;

That the seaward boundary between Florida and Alabama extends from the south end of the boundary line at the mouth of Perdido River, thence south no degrees one minute no seconds west to the seaward limit of each respective State; and

Whereas such acts of the States of Alabama and Florida constitute an agreement between such States establishing a boundary line between them: Therefore, be it

Alabama and
Florida.
Boundary agree-
ment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to such agreement and to the establishment of such boundary, and such Acts of the States of Alabama and Florida are hereby approved.

Approved May 6, 1954.

Public Law 352

CHAPTER 183

AN ACT

May 6, 1954
[H. R. 5627]

To amend Public Law 472, Eighty-first Congress, approved April 11, 1950, entitled "An Act to promote the national defense and to contribute to more effective aeronautical research by authorizing professional personnel of the National Advisory Committee for Aeronautics to attend accredited graduate schools for research and study."

64 Stat. 43.
50 USC 160f.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of Public Law 472, Eighty-first Congress, is amended to read "The total of the sums expended pursuant to this Act, including all sums expended for the payment of salaries or compensation to employees on leave, shall not exceed \$100,000 in any fiscal year."

Approved May 6, 1954.

Public Law 353

CHAPTER 191

AN ACT

May 7, 1954
[H. R. 998]

Authorizing the Secretary of the Interior to issue a patent to the State of Idaho for certain land.

Idaho.
Land patent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to issue a patent or

patents to the State of Idaho for the lands relinquished by the State under Carey Act Segregation List Numbered 53 for which State Final Certificates have been issued for use only by the State for conveyance by deed to the holders of State Final Certificates for such land or to their heirs, successors, or assigns for the tract of land covered by such final certificate.

Approved May 7, 1954.

Public Law 354

CHAPTER 194

AN ACT

To authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations.

May 8, 1954
[S. 2247]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to such regulations as may be prescribed by the Secretaries of the Army, Navy, Air Force, and Treasury, members and former members of the Armed Forces of the United States holding any office of profit or trust under the United States who have served, subsequent to June 26, 1950, in Korea and such of the waters or lands adjacent thereto as may be designated as combat zones or areas by the respective Secretaries are authorized, during the period of hostilities in Korea in which the United States is engaged, and for one year thereafter, to accept from the governments of foreign nations whose personnel are participating with or under the United Nations Command in Korea such decorations, orders, and emblems as may be tendered them, and which are conferred by such governments upon members of their own military forces. For purposes of this Act the consent of the Congress required in accordance with clause 8 of section 9, article I of the Constitution is hereby granted. Any such member or former member holding any office of profit or trust under the United States is authorized to wear any decoration, order, or emblem accepted pursuant to authority contained in this Act.

Armed Forces.
Decorations.

Approved May 8, 1954.

Public Law 355

CHAPTER 195

AN ACT

To authorize the care and treatment at facilities of the Public Health Service of narcotic addicts committed by the United States District Court for the District of Columbia, and for other purposes.

May 8, 1954
[H. R. 6702]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Narcotics.
Treatment of
users in D. C.

DECLARATION OF PURPOSE

SECTION 1. In order to afford the District of Columbia time to provide the facilities required to carry out the Act of June 24, 1953 (Public Law 76, Eighty-third Congress), and, in the interim, to help it meet its responsibility for the detention, care, and treatment of noncriminal narcotic addicts, it is hereby declared to be the purpose of this Act to authorize the limited use of suitable Public Health Service facilities for a temporary period, at the expense of the District of Columbia, for such detention, care, and treatment.

SEC. 2. The Public Health Service Act (42 U. S. C., ch. 6A) is amended by redesignating section 345 as section 346 and by inserting after section 344 the following new section:

67 Stat. 77.
D. C. Code 24-
601 to 24-612.

58 Stat. 682, 701.
42 USC 261.

“PERSONS COMMITTED FROM DISTRICT OF COLUMBIA

42 USC 248(b).
D. C. Code 24-601 to 24-612.

“SEC. 345. (a) The Surgeon General is authorized to admit for care and treatment in any hospital of the Service suitably equipped therefor, and thereafter to transfer between hospitals of the Service in accordance with section 321 (b), any addict who is committed, under the provisions of the Act of June 24, 1953 (Public Law 76, Eighty-third Congress), to the Service or to a hospital thereof for care and treatment and who the Surgeon General determines is a proper subject for such care and treatment. No such addict shall be admitted unless (1) he is committed prior to July 1, 1956; and (2) at the time of his commitment, the number of persons in hospitals of the Service who have been admitted pursuant to this subsection is less than fifty; and (3) suitable accommodations are available after all eligible addicts convicted of offenses against the United States have been admitted.

“(b) Any person admitted to a hospital of the Service pursuant to subsection (a) shall be discharged therefrom (1) upon order of the United States District Court for the District of Columbia, or (2) when he is found by the Surgeon General to be cured and rehabilitated. When any such person is so discharged, the Surgeon General shall give notice thereof to the United States District Court for the District of Columbia and shall deliver such person to such court for such further action as such court may deem necessary and proper under the provisions of the Act of June 24, 1953 (Public Law 76, Eighty-third Congress).

“(c) With respect to the detention, transfer, parole, or discharge of any person committed to a hospital of the Service in accordance with subsection (a), the Surgeon General and the officer in charge of the hospital, in addition to authority otherwise vested in them, shall have such authority as may be conferred upon them, respectively, by the order of the committing court.

“(d) The cost of providing care and treatment for persons admitted to a hospital of the Service pursuant to subsection (a) shall be a charge upon the District of Columbia and shall be paid by the District of Columbia to the Public Health Service, either in advance or otherwise, as may be determined by the Surgeon General. Such cost may be determined for each addict or on the basis of rates established for all or particular classes of patients, and shall include the cost of transportation to and from facilities of the Public Health Service. Moneys so paid to the Public Health Service shall be covered into the Treasury of the United States as miscellaneous receipts. Appropriations available for the care and treatment of addicts admitted to a hospital of the Service under this section shall be available, subject to regulations, for paying the cost of transportation to the District of Columbia, including subsistence allowance while traveling, for any such addict who is discharged.”

42 USC 257.

SEC. 3. The first sentence of section 341 of such Act is amended to read: “The Surgeon General is authorized to provide for the confinement, care, protection, treatment, and discipline of persons addicted to the use of habit-forming narcotic drugs who voluntarily submit themselves for treatment, addicts who have been or are hereafter convicted of offenses against the United States, including persons convicted by general courts-martial and consular courts, and addicts who are committed to the Service or to a hospital thereof pursuant to section 345.”

Supra.

SEC. 4. Such Act is further amended by adding the following new section after the section herein redesignated as section 346:

"RELEASE OF PATIENTS

"SEC. 347. For purposes of this Act, an individual shall be deemed cured of his addiction and rehabilitated if the Surgeon General determines that he has received the maximum benefits of treatment and care by the Service for his addiction or if the Surgeon General determines that his further treatment and care for such purpose would be detrimental to the interests of the Service."

Approved May 8, 1954.

Public Law 356

CHAPTER 199

AN ACT

To permit review of decisions of the heads of departments, or their representatives or boards, involving questions arising under Government contracts.

May 11, 1954
[S. 24]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no provision of any contract entered into by the United States, relating to the finality or conclusiveness of any decision of the head of any department or agency or his duly authorized representative or board in a dispute involving a question arising under such contract, shall be pleaded in any suit now filed or to be filed as limiting judicial review of any such decision to cases where fraud by such official or his said representative or board is alleged: *Provided, however,* That any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence.

Government con-
tracts.
Judicial review.

SEC. 2. No Government contract shall contain a provision making final on a question of law the decision of any administrative official, representative, or board.

Approved May 11, 1954.

Public Law 357

CHAPTER 200

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes.

May 11, 1954
[H. R. 8481]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Third Supplemental Appropriation Act, 1954") for the fiscal year ending June 30, 1954, and for other purposes, namely:

Third Supple-
mental Appropria-
tion Act, 1954.

CHAPTER I

DISTRICT OF COLUMBIA

COMPENSATION AND RETIREMENT FUND EXPENSES

DISTRICT GOVERNMENT RETIREMENT AND RELIEF FUNDS

For an additional amount for "District government retirement and relief funds", \$120,000.

PUBLIC SCHOOLS

GENERAL ADMINISTRATION, SUPERVISION AND INSTRUCTION

For an additional amount for "General administration, supervision and instruction", \$1,537,500.

VOCATIONAL EDUCATION, GEORGE-BARDEN PROGRAM

For an additional amount for "Vocational education, George-Barden program", \$24,000.

METROPOLITAN POLICE

For an additional amount for "Metropolitan Police", \$1,800,000 of which \$270,000 shall be payable from the highway fund.

FIRE DEPARTMENT

For an additional amount for "Salaries and expenses, Fire Department", \$700,000.

COURTS

UNITED STATES COURTS

For an additional amount, fiscal year 1953, for "United States Courts", \$37,536.

PUBLIC WELFARE

AGENCY SERVICES

For an additional amount for "Agency services", \$60,000, to be derived by transfer from the appropriation for "Operating expenses, protective institutions, Public Welfare", fiscal year 1954.

NATIONAL CAPITAL PARKS

For an additional amount for "National Capital Parks", \$69,000.

PERSONAL SERVICES, WAGE-SCALE EMPLOYEES

For pay increases for wage-scale employees, to be allocated by the Commissioners of the District of Columbia to the appropriations and funds of said District for the fiscal year 1954 from which such employees are properly payable, \$1,200,000, of which \$143,700 shall be payable from the highway fund and \$233,800 from the water fund; said increases in compensation to be effective during the period beginning with the first day of the first pay period which began after June 30, 1953, for per diem educational employees of the Board of Education, and beginning with the first day of the first pay period which began after September 15, 1953, for other wage-scale employees of the District of Columbia: *Provided*, That no retroactive compensation or salary shall be payable in the case of any individual not in the service of the municipal government of the District of Columbia on the date of approval of this Act, except that such retroactive compensation or salary shall be paid in the case of a deceased officer or employee, or of a retired officer or employee, for services rendered after the effective date of the increase.

SETTLEMENT OF CLAIMS AND SUITS

For the payment of claims in excess of \$250, approved by the Commissioners in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$29,625.

D. C. Code 1-902
to 1-906.

JUDGMENTS

For the payment of final judgments rendered against the District of Columbia, as set forth in House Document Numbered 353 (Eighty-third Congress), \$222,218, together with such further sums as may be necessary to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment.

AUDITED CLAIMS

For an additional amount for the payment of claims, certified to be due by the accounting officers of the District of Columbia, under appropriations the balances of which have been exhausted or credited to the general fund of the District of Columbia as provided by law (D. C. Code, title 47, sec. 130a), being for the service of the fiscal year 1951 and prior fiscal years, as set forth in House Document Numbered 353 (Eighty-third Congress), \$333,370, together with such further sums as may be necessary to pay the interest on audited claims for refunds at not exceeding 4 per centum per annum as provided by law (Act of July 10, 1952, 66 Stat. 546, sec. 14d).

58 Stat. 533.

D. C. Code 47-
2413.

DIVISION OF EXPENSES

The sums appropriated in this Act for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Acts for the fiscal years involved.

CHAPTER II

LEGISLATIVE BRANCH

SENATE

For payment to Erma E. Griswold, widow of Dwight Griswold, late a Senator from the State of Nebraska, \$12,500.

SALARIES, OFFICERS AND EMPLOYEES

Office of Sergeant at Arms and Doorkeeper: Effective May 1, 1954, the appropriation for salaries of officers and employees of the Senate contained in the Legislative Branch Appropriation Act for the fiscal year 1954 is made available for the compensation of seven additional pages at the basic rate of \$1,800 per annum each.

67 Stat. 319.

CONTINGENT EXPENSES OF THE SENATE

Motor vehicles: For an additional amount for maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, \$4,275 to be derived by transfer from the appropriation for "Folding Documents", fiscal year 1954.

67 Stat. 320.

HOUSE OF REPRESENTATIVES

SALARIES, OFFICERS AND EMPLOYEES

Office of the Doorkeeper

For an additional amount for "Office of the Doorkeeper", \$13,615.

CONTINGENT EXPENSES OF THE HOUSE

Stationery (Revolving Fund)

For an additional amount for "Stationery (revolving fund)", \$3,200, to remain available until expended.

Folding Documents

For an additional amount for "Folding documents", \$15,000.

CAPITOL POLICE

CAPITOL POLICE BOARD

For an additional amount for "Capitol Police Board", \$2,855.

EDUCATION OF SENATE AND HOUSE PAGES

For an additional amount for "Education of Senate and House pages", \$2,785.

GOVERNMENT PRINTING OFFICE

WORKING CAPITAL AND CONGRESSIONAL PRINTING AND BINDING

The unexpended balances of all appropriations to the Government Printing Office for "Working capital and congressional printing and binding", for the fiscal years 1943 through 1951 shall be available, without regard to fiscal year limitations, for payment of claims settled by the General Accounting Office in favor of employees and former employees of the Government Printing Office for additional compensation on account of service rendered during the fiscal years 1942 through 1951.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", \$115,000.

TRAVEL AND MISCELLANEOUS EXPENSES

For an additional amount for "Travel and miscellaneous expenses", \$36,000.

SALARIES OF REFEREES

For an additional amount for "Salaries of referees", \$7,000 to be derived from the referees' salary fund established in pursuance of the Act of June 28, 1946, as amended (11 U. S. C. 68).

EXPENSES OF REFEREES

For an additional amount for "Expenses of referees", \$71,600, to be derived from the referees' expense fund established in pursuance of the Act of June 28, 1946, as amended (11 U. S. C. 68 (c) (4)).

CHAPTER III

DEPARTMENT OF STATE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$900,000, to be derived by transfer from "Government in occupied areas", fiscal year 1954.

67 Stat. 432.

INTERNATIONAL CONTINGENCIES

For an additional amount for "International contingencies", \$175,000, to be derived by transfer from "Government in occupied areas", fiscal year 1954.

67 Stat. 432.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, CLAIMS OF PERSONS OF JAPANESE ANCESTRY

For an additional amount for "Salaries and expenses, claims of persons of Japanese ancestry", \$1,560,000.

GENERAL PROVISIONS

The Attorney General is hereby authorized to transfer from the appropriation "Salaries and expenses, Immigration and Naturalization Service, 1954", not to exceed \$100,000 to the appropriation "Fees and expenses of witnesses, 1954", not to exceed \$300,000 to the appropriation "Salaries and expenses, Bureau of Prisons, 1954", not to exceed \$500,000 to the appropriation "Support of United States prisoners, 1954", and not to exceed \$165,000 to the appropriation "Salaries and expenses, general administration."

67 Stat. 373.

67 Stat. 374.

DEPARTMENT OF COMMERCE

CIVIL AERONAUTICS ADMINISTRATION

LAND ACQUISITION, ADDITIONAL WASHINGTON AIRPORT

For an additional amount for "Land acquisition, additional Washington Airport", for payment of deficiency judgments rendered by United States district courts, \$34,541, together with such amounts as may be necessary to pay interest as specified in such judgments.

MARITIME ACTIVITIES

OPERATING-DIFFERENTIAL SUBSIDIES

For an additional amount for "Operating-differential subsidies", \$29,500,000, to remain available until expended.

BUREAU OF PUBLIC ROADS

FEDERAL-AID HIGHWAYS

For an additional amount for "Federal-aid highways", to remain available until expended, \$55,000,000, which sum is a part of the amount authorized to be appropriated for the fiscal year 1953.

CHAPTER IV

TREASURY DEPARTMENT

BUREAU OF NARCOTICS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$67,500.

The unobligated balance of the lapsed appropriation of the Bureau of Narcotics available for the payment of salaries and expenses for the fiscal year 1948, shall be available for payment of claims settled by the General Accounting Office and otherwise chargeable to appropriations for the fiscal year 1949.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$3,600,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$85,000, to be derived by transfer from "Salaries and expenses, Guard Force", fiscal year 1954.

67 Stat. 68.

CHAPTER V

DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION AND EMPLOYMENT
SERVICE ADMINISTRATION

For an additional amount for "Grants to States for unemployment compensation and employment service administration," \$12,100,000, which shall be available only to the extent that the Secretary finds necessary to meet increased costs of administration resulting from changes in a State law or increases in the numbers of claims filed and claims paid over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments.

UNEMPLOYMENT COMPENSATION FOR VETERANS

For an additional amount for "Unemployment compensation for veterans", \$24,400,000.

Unemployment compensation for veterans, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States, as authorized by title IV of the Veterans' Readjustment Assistance Act of 1952, such sums as may be necessary to pay benefits for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year.

66 Stat. 684.
38 USC 991-999.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

PAYMENTS TO SCHOOL DISTRICTS

For an additional amount for "Payments to school districts", \$5,850,000.

ASSISTANCE FOR SCHOOL CONSTRUCTION

For an additional amount for grants to local educational agencies in federally affected areas as authorized by section 209 (c) of Public Law 815, Eighty-first Congress, as amended by section 2 (e) of Public Law 246, Eighty-third Congress, including not to exceed \$125,000 for necessary expenses of technical services rendered by other agencies, \$55,000,000, to remain available until April 1, 1955: *Provided*, That unpaid entitlements, reduced to the extent requests therefor are not filed before October 1, 1954, shall be paid on a pro rata basis if the amount herein appropriated for grants is not enough to cover all such entitlements: *Provided further*, That applications which meet the requirements of section 205 of such Public Law 815 may be amended not later than December 31, 1954, to (1) substitute a different project or (2) substitute a reimbursement request based upon construction of the original project under a contract entered into before the date of enactment of this Act or upon construction of other facilities under a contract entered into before such date and after June 30, 1952, and in either case the adequacy requirements in subsection (c) (1) of such section 205 shall not apply: *Provided further*, That the foregoing substitutions herein permitted shall not cost more than the project originally filed for.

64 Stat. 975, 67
Stat. 528.
20 USC 279(c).

64 Stat. 972.
20 USC 275.

20 USC 275.

SOCIAL SECURITY ADMINISTRATION

SALARIES AND EXPENSES, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

The amount authorized by the Department of Health, Education, and Welfare Appropriation Act, 1954, to be expended from the Federal old-age and survivors insurance trust fund for "Salaries and expenses, Bureau of Old-Age and Survivors Insurance", is increased from "\$62,750,000" to "\$63,746,000".

67 Stat. 254.

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For an additional amount for "Grants to States for public assistance", \$58,000,000.

CHAPTER VI

DEPARTMENT OF AGRICULTURE

AGRICULTURAL CONSERVATION PROGRAM

For an additional amount for "Agricultural conservation program", in addition to the program authorized under this head for 1954, under the Department of Agriculture Appropriation Act, 1954, \$15,000,000 to remain available until December 31, 1955, to enable the Secretary of Agriculture to make payments to farmers who carry out emergency wind erosion control measures under the 1954 agricultural conservation program after March 30, 1954, in counties designated by the governors of the respective States with the approval of the Secretary of Agriculture as subject to damages by excessive wind erosion during 1954: *Provided*, That the payments for such emergency wind erosion control measures shall not exceed the cost per acre of the practices or a total of \$1.25 per acre, whichever is smaller: *Provided further*, That this appropriation may be expended without regard to the adjustments required under section 8 (e) of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590h (e)), and may be distributed among States and individual farmers without regard to any other provision of law: *Provided further*, That this appropriation may be used to reimburse the emergency fund of the President authorized by Public Law 875, 81st Congress (42 U. S. C. 1855) for such funds as have been allocated to the Secretary of Agriculture for payments for the specific purposes authorized herein.

DISASTER LOAN REVOLVING FUND

The limitation under this head in the Act of July 31, 1953 (Public Law 175), on the amount available for emergency feed and seed assistance, is increased from "\$40,000,000" to "\$50,000,000"; and such increased amount may be used for furnishing such assistance by means of advances to States or agencies thereof, or otherwise, and for reimbursement of advances made to the Secretary of Agriculture from funds appropriated for disaster relief under the Act of September 30, 1950 (42 U. S. C. 1855).

FOREST SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", for fighting forest fires, \$4,500,000.

COMMODITY CREDIT CORPORATION

The limitation under this head in the Department of Agriculture Appropriation Act, 1954, on the amount available for administrative expenses of the Corporation, is increased from "\$17,100,000" to "\$20,000,000".

FARM CREDIT ADMINISTRATION

For an additional amount for "Farm Credit Administration", \$120,000, to be derived from receipts from farm credit agencies.

CHAPTER VII

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For an additional amount for "Operation and maintenance, Southeastern Power Administration", \$138,000.

OFFICE OF TERRITORIES

For an additional amount for "Construction, Alaska Railroad", for the authorized work of the Alaska Railroad, including improvements and new construction, to remain available until expended, \$4,594,000: *Provided*, That funds appropriated under this head may be transferred to the Alaska Railroad Revolving Fund for purposes of accounting and administration.

GENERAL PROVISIONS

The limitation in section 106 of the Interior Department Appropriation Act, 1954, on the amount available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), is increased from "\$250,000" to "\$310,000".

67 Stat. 275.

60 Stat. 810.

CHAPTER VIII

EXECUTIVE OFFICE OF THE PRESIDENT

FUNDS APPROPRIATED TO THE PRESIDENT

REFUGEE RELIEF

For an additional amount for expenses necessary to enable the President, by transfer to such officer or agency of the Government as may be appropriate, to carry out the provisions of the Refugee Relief Act of 1953 (Public Law 203, approved August 7, 1953), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of \$50 per diem for individuals; printing and binding outside the continental United States without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); hire of passenger motor vehicles; and expenses of attendance at meetings concerned with the purpose of this appropriation; \$250,000: *Provided*, That funds appropriated herein shall be available in accordance with authority granted hereunder or under authority governing the activities of the Government agencies to which such funds are allocated.

67 Stat. 400.
50 USC app. 1971
note.

60 Stat. 810.

40 Stat. 1270.

INDEPENDENT OFFICES

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

The limitation under this head in the First Independent Offices Appropriation Act, 1954, on the amount available for expenses of travel, is increased from "\$210,000" to "\$235,000".

67 Stat. 301.

HOUSING AND HOME FINANCE AGENCY

OFFICE OF THE ADMINISTRATOR

Salaries and expenses: In addition to amounts appropriated under this head, the Administrator may transfer to this appropriation from any other funds available for administrative expenses, not to exceed \$50,000, for expenses of investigations of irregularities or abuses in connection with the administration of programs of mortgage and loan insurance as authorized by the National Housing Act, as amended (12 U. S. C. 1701).

48 Stat. 1246.

PUBLIC HOUSING ADMINISTRATION

Annual Contributions

For an additional amount for "Annual contributions", \$10,800,000.

THE TAX COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$25,000.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", \$215,000, to remain available until expended.

SERVICEMEN'S INDEMNITIES

For an additional amount for "Servicemen's indemnities", \$7,000,000, to remain available until expended.

CHAPTER IX

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

DEPARTMENT OF THE ARMY

RIVERS AND HARBORS AND FLOOD CONTROL

Construction, General

For an additional amount for "Construction, general", \$800,000, to remain available until expended.

UNITED STATES SECTION, SAINT LAWRENCE RIVER JOINT BOARD OF ENGINEERS

For necessary expenses of the United States section of the Saint Lawrence River Joint Board of Engineers, established by Executive Order 10500, dated November 4, 1953, including purchase (not to exceed two) and hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$100 per day for individuals; \$245,000, to remain available until June 30, 1955: *Provided*, That, subject to the pro-

3 C.F.R., 1953
Supp., p. 114.

60 Stat. 810.

cedures prescribed by section 505 of the Classification Act of 1949, but without regard to the numerical limitations contained therein, one position under the United States section of said Joint Board of Engineers may hereafter be placed in grade GS-16 in the General Schedule established by that Act: *Provided further*, That with the exception of certain necessary preliminary expenses, no part of these funds shall be obligated until agreement has been entered into, by the United States Government and the United States entity authorized to construct the power works in the International Rapids section of the Saint Lawrence River, providing for the reimbursement of the expenditures (including necessary preliminary expenses) of the United States section of this Board by the construction entity.

63 Stat. 959.
5 USC 1105.

CHAPTER X

DEPARTMENT OF DEFENSE

OFFICE OF THE SECRETARY OF DEFENSE

CLAIMS

Not to exceed \$2,500,000 may be transferred to the appropriation granted under this head for the fiscal year 1954, from the appropriation "Military personnel, Marine Corps, 1954".

67 Stat. 336.
67 Stat. 342.

RETIRED PAY

Not to exceed an additional \$12,000,000 may be transferred to the appropriation granted under this head for the fiscal year 1954, from the appropriation "Military personnel, Marine Corps, 1954".

67 Stat. 337, 342.

DEPARTMENT OF THE NAVY

AUDITED CLAIMS

Applicable current appropriations of the Department of the Navy shall be available for the payment of claims certified by the Comptroller General to be otherwise due, in the amounts stated below, from the following appropriations:

"Maintenance, Bureau of Supplies and Accounts", fiscal year 1943, \$7,670.41.

"Pay, subsistence, and transportation of Naval personnel", fiscal year 1943, \$12,051.48.

"Transportation of things, Navy", fiscal year 1948, \$6,173.70.

CHAPTER XI

CLAIMS FOR DAMAGES, AUDITED CLAIMS, AND JUDGMENTS

For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims certified to be due by the General Accounting Office, and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in Senate Document Numbered 110, Eighty-third Congress, \$1,553,745, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in

foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

CHAPTER XII

GENERAL PROVISIONS

Strikes or over-
throw of Govern-
ment.

Affidavit.

Penalty.

SEC. 1201. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation included in this Act, shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Approved May 11, 1954.

Public Law 358

CHAPTER 201

May 13, 1954
[S. 2150]

AN ACT

Providing for creation of the Saint Lawrence Seaway Development Corporation to construct part of the Saint Lawrence Seaway in United States territory in the interest of national security; authorizing the Corporation to consummate certain arrangements with the Saint Lawrence Seaway Authority of Canada relative to construction and operation of the seaway; empowering the Corporation to finance the United States share of the seaway cost on a self-liquidating basis; to establish cooperation with Canada in the control and operation of the Saint Lawrence Seaway; to authorize negotiations with Canada of an agreement on tolls; and for other purposes.

St. Lawrence
Seaway Develop-
ment Corporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CREATION OF CORPORATION

SECTION 1. There is hereby created, subject to the direction and supervision of the President, or the head of such agency as he may designate, a body corporate to be known as the Saint Lawrence Seaway Development Corporation (hereinafter referred to as the "Corporation").

MANAGEMENT OF CORPORATION

SEC. 2. (a) The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$17,500 per annum.

(b) To assist the Administrator in the execution of the functions vested in the Corporation there shall be a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$16,000 per annum. The Deputy Administrator shall perform such duties as the Administrator may from time to time designate, and shall be acting Administrator and perform the functions of the Administrator during the absence or disability of the Administrator or in the event of a vacancy in the Office of the Administrator.

(c) There is hereby established the Advisory Board of the Saint Lawrence Seaway Development Corporation, which shall be composed of five members appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall belong to the same political party. The Advisory Board shall meet at the call of the Administrator, who shall require it to meet not less often than once each ninety days; shall review the general policies of the Corporation, including its policies in connection with design and construction of facilities and the establishment of rules of measurement for vessels and cargo and rates of charges or tolls; and shall advise the Administrator with respect thereto. Members of the Advisory Board shall receive for their services as members compensation of not to exceed \$50 per diem when actually engaged in the performance of their duties, together with their necessary traveling expenses while going to and coming from meetings.

FUNCTIONS OF CORPORATION

SEC. 3. (a) The Corporation is authorized and directed to construct, in United States territory, deep-water navigation works substantially in accordance with the "Controlled single stage project, 238-242" (with a controlling depth of twenty-seven feet in channels and canals and locks at least eight hundred feet long, eighty feet wide, and thirty feet over the sills), designated as "works solely for navigation" in the joint report dated January 3, 1941, of the Canadian Temporary Great Lakes-Saint Lawrence Basin Committee and the United States Saint Lawrence Advisory Committee, in the International Rapids section of the Saint Lawrence River together with necessary dredging in the Thousand Islands section; and to operate and maintain such works in coordination with the Saint Lawrence Seaway Authority of Canada, created by chapter 24 of the acts of the fifth session of the Twenty-first Parliament of Canada 15-16, George VI (assented to December 21, 1951): *Provided*, That the Corporation shall not proceed with the aforesaid construction unless and until—

(1) the Saint Lawrence Seaway Authority of Canada provides assurances satisfactory to the Corporation that it will complete the Canadian portions of the navigation works authorized by

section 10, chapter 24 of the acts of the fifth session of the Twenty-first Parliament of Canada 15-16, George VI, 1951, as nearly as possible concurrently with the completion of the works authorized by this section;

(2) the Corporation has received assurances satisfactory to it that the State of New York, or an entity duly designated by it, or other licensee of the Federal Power Commission, in conjunction with an appropriate agency in Canada, as nearly as possible concurrently with the navigation works herein authorized, will construct and complete the dams and power works approved by the International Joint Commission in its order of October 29, 1952 (docket 68) or any amendment or modification thereof.

(b) The Corporation shall make necessary arrangements to assure the coordination of its activities with those of the Saint Lawrence Seaway Authority of Canada and the entity designated by the State of New York, or other licensee of the Federal Power Commission, authorized to construct and operate the dams and power works authorized by the International Joint Commission in its order of October 29, 1952 (docket 68) or any amendment or modification thereof.

CORPORATE POWERS

SEC. 4. (a) For the purpose of carrying out its functions under this joint resolution the Corporation—

- (1) shall have succession in its corporate name;
- (2) may adopt and use a corporate seal, which shall be judicially noticed;
- (3) may sue and be sued in its corporate name;
- (4) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;
- (5) may make and carry out such contracts or agreements as are necessary or advisable in the conduct of its business;
- (6) shall be held to be an inhabitant and resident of the northern judicial district of New York within the meaning of the laws of the United States relating to venue of civil suits;
- (7) may appoint and fix the compensation, in accordance with the provisions of the Classification Act of 1949, of such officers, attorneys, and employees as may be necessary for the conduct of its business, define their authority and duties, delegate to them such of the powers vested in the Corporation as the Administrator may determine, require bonds of such of them as the Administrator may designate, and fix the penalties and pay the premiums on such bonds;
- (8) may acquire, by purchase, lease, condemnation, or donation such real and personal property and any interest therein, and may sell, lease, or otherwise dispose of such real and personal property, as the Administrator deems necessary for the conduct of its business; and
- (9) shall determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed and paid, subject to provisions of law specifically applicable to Government corporations.

63 Stat. 954.
5 USC 1071 note.

FINANCING

SEC. 5. In order to finance its activities, the Corporation is authorized and empowered to issue to the Secretary of the Treasury, from time to time and to have outstanding at any one time in an amount

not exceeding \$105,000,000, its revenue bonds which shall be payable from corporate revenues: *Provided*, That not to exceed 10 per centum of the revenue bonds herein authorized shall be issued during the first year after the effective date of this Act and not to exceed 40 per centum during any year thereafter. Such obligations shall have maturities agreed upon by the Corporation and the Secretary of the Treasury, not in excess of fifty years. Such obligations may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations, but the obligations thus redeemed shall not be refinanced by the Corporation. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on current marketable obligations of the United States of comparable maturities as of the last day of the month preceding the issuance of the obligation of the Corporation. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued hereunder and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Corporation's obligations hereunder.

GOVERNMENT CORPORATION CONTROL ACT

SEC. 6. Section 101 of the Government Corporation Control Act is hereby amended by inserting after the words "Federal Housing Administration" the words "Saint Lawrence Seaway Development Corporation".

59 Stat. 597.
31 USC 846.

PAYMENTS IN LIEU OF TAXES

SEC. 7. The Corporation is authorized to make payments to State and local governments in lieu of property taxes upon property which was subject to State and local taxation before acquisition by the Corporation. Such payments may be in the amounts, at the times, and upon the terms the Corporation deems appropriate, but the Corporation shall be guided by the policy of making payments not in excess of the taxes which would have been payable for such property in the condition in which it was acquired, except in cases where special burdens are placed upon the State or local government by the activities of the Corporation or its agents. The Corporation, its property, franchises, and income are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision thereof, but such exemption shall not extend to contractors for the Corporation.

SERVICES AND FACILITIES OF OTHER AGENCIES

SEC. 8. (a) The Corporation may, with the consent of the agency concerned, accept and utilize, on a reimbursable basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, except that any such agency having custody of any data relating to any of the matters within the jurisdiction of the Corporation shall, upon request of the Administrator, make such data available to the Corporation without reimbursement.

(b) The Corporation shall contribute to the civil-service retirement and disability fund, on the basis of annual billings as determined by the Civil Service Commission, for the Government's share of the cost of the civil-service retirement system applicable to the Corporation's

employees and their beneficiaries. The Corporation shall also contribute to the employee's compensation fund, on the basis of annual billings as determined by the Secretary of Labor, for the benefit payments made from such fund on account of the Corporation's employees. The annual billings shall also include a statement of the fair portion of the cost of the administration of the respective funds, which shall be paid by the Corporation into the Treasury as miscellaneous receipts.

MISAPPROPRIATION OF FUNDS

SEC. 9. (a) All general penal statutes relating to the larceny, embezzlement, or conversion, of public moneys or property of the United States shall apply to the moneys and property of the Corporation.

(b) Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than five years, or both.

(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the Corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than \$5,000 or imprisoned not more than five years, or both.

REPORTS TO CONGRESS

SEC. 10. The Corporation shall submit to the President for transmission to the Congress at the beginning of each regular session an annual report of its operations under this Act.

SEPARABILITY OF PROVISIONS

SEC. 11. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

RATES OF CHARGES OR TOLLS

SEC. 12. (a) The Corporation is further authorized and directed to negotiate with the Saint Lawrence Seaway Authority of Canada, or such other agency as may be designated by the Government of Canada, an agreement as to the rules for the measurement of vessels and cargoes and the rates of charges or tolls to be levied for the use of the Saint Lawrence Seaway, and for an equitable division of the revenues of the seaway between the Corporation and the Saint Lawrence Seaway Authority of Canada. Such rules for the measurement of vessels and cargoes and rates of charges or tolls shall, to the extent practicable, be established or changed only after giving due notice and holding a public hearing. In the event that such negotiations shall not result in agreement, the Corporation is authorized and directed to establish unilaterally such rules of measurement and rates of charges or tolls for the use of the works under its administration: *Provided, however,* That the Corporation shall give three months' notice, by publication in the Federal Register, of any proposals to establish or change unilaterally the basic rules of measurement and of any proposals to establish or change unilaterally the rates of charges or tolls, during

which period a public hearing shall be conducted. Any such establishment of or changes in basic rules of measurement or rates of charges or tolls shall be subject to and shall take effect thirty days following the date of approval thereof by the President, and shall be final and conclusive, subject to review as hereinafter provided. Any person aggrieved by an order of the Corporation establishing or changing such rules or rates may, within such thirty-day period, apply to the Corporation for a rehearing of the matter upon the basis of which the order was entered. The Corporation shall have power to grant or deny the application for rehearing and upon such rehearing or without further hearing to abrogate or modify its order. The action of the Corporation in denying an application for rehearing or in abrogating or modifying its order shall be final and conclusive thirty days after its approval by the President unless within such thirty-day period a petition for review is filed by a person aggrieved by such action in the United States Court of Appeals for the circuit in which the works to which the order applies are located or in the United States Court of Appeals for the District of Columbia. The court in which such petition is filed shall have the same jurisdiction and powers as in the case of petitions to review orders of the Federal Power Commission filed under section 313 (b) of the Federal Power Act (16 U. S. C. 825l). The judgment of the court shall be final subject to review by the Supreme Court upon certiorari or certification as provided in sections 1254 (1) and 1254 (3) of title 28 of the United States Code. The filing of an application for rehearing shall not, unless specifically ordered by the Corporation, operate as a stay of the Corporation's order. The filing of a petition for review shall not, unless specifically ordered by the court, operate as a stay of the Corporation's order.

49 Stat. 860.

62 Stat. 928.

(b) In the course of its negotiations, or in the establishment, unilaterally, of the rates of charges or tolls as provided in subsection (a), the Corporation shall be guided by the following principles:

(1) That the rates shall be fair and equitable and shall give due consideration to encouragement of increased utilization of the navigation facilities, and to the special character of bulk agricultural, mineral, and other raw materials.

(2) That rates shall vary according to the character of cargo with the view that each classification of cargo shall so far as practicable derive relative benefits from the use of these facilities.

(3) That the rates on vessels in ballast without passengers or cargo may be less than the rates for vessels with passengers or cargo.

(4) That the rates prescribed shall be calculated to cover, as nearly as practicable, all costs of operating and maintaining the works under the administration of the Corporation, including depreciation, payment of interest on the obligations of the Corporation, and payments in lieu of taxes.

(5) That the rates shall provide, in addition, for the Corporation revenues sufficient to amortize the principal of the debts and obligations of the Corporation over a period not to exceed fifty years.

Approved May 13, 1954.

Public Law 359

CHAPTER 202

AN ACT

To extend the period for the filing of certain claims under the War Claims Act of 1948 by World War II prisoners of war.

May 13, 1954
[H. R. 6896]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the

66 Stat. 49.
50 USC app. 2005
note.

Act entitled "An Act to amend sections 6 and 7 of the War Claims Act of 1948", approved April 9, 1952, is amended by striking out "within one year after the date of enactment of this Act", and inserting in lieu thereof "on or before August 1, 1954".

Effective date.

SEC. 2. The amendment made by this Act shall not be construed to extend the life of the War Claims Commission for any period of time.

SEC. 3. The amendment made by this Act shall take effect as of April 9, 1953.

Approved May 13, 1954.

Public Law 360

CHAPTER 203

AN ACT

May 17, 1954
[H. R. 6251]

To authorize the abolishment of the Shoshone Cavern National Monument and the transfer of the land therein to the city of Cody, Wyoming, for public recreational use, and for other purposes.

Shoshone Cavern
National Monu-
ment.
Abolishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Shoshone Cavern National Monument, established by Executive proclamation of September 21, 1909 (36 Stat. 2501), is hereby abolished and the Secretary of the Interior is authorized to convey, without cost, the lands embraced therein, aggregating two hundred and ten acres, to the city of Cody, Wyoming, for public recreational use, upon such terms and conditions as he shall find to be equitable and in the public interest.

In order that the city may provide adequate public access to such property from the Cody-Yellowstone Highway (U. S. Nos. 14 and 20), the Secretary of the Interior is also authorized to convey without cost a right-of-way to the city.

In the event that the city of Cody shall fail to devote the said monument lands to the purposes of public park and recreational site within ten years after the date of the enactment of this Act or shall fail to maintain such land for such purposes for any period of five consecutive years subsequent to its devotion to such use or shall fail to provide adequate measures for fire control and watershed protection for the lands, or shall devote such lands or any part thereof to any other use not consistent with the purposes of this Act, such lands and all improvements thereon shall revert to the United States. In such an event, the Secretary of the Interior is hereby authorized to declare a forfeiture of all grants and conveyances made pursuant to this Act and to administer such properties in accordance with the public land laws of the United States.

Approved May 17, 1954.

Public Law 361

CHAPTER 204

AN ACT

May 17, 1954
[H. R. 6549]

To provide for the construction of the Jefferson National Expansion Memorial at the site of old Saint Louis, Missouri, in general accordance with the plan approved by the United States Territorial Expansion Memorial Commission, and for other purposes.

Jefferson Na-
tional Expansion
Memorial, Mo.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be constructed by the Secretary of the Interior upon the Jefferson National Expansion Memorial National Historic Site, Saint Louis, Missouri, an appropriate national memorial to those persons who made possible the territorial expansion of the United States,

including President Thomas Jefferson and his aides, Livingston and Monroe, who negotiated the Louisiana Purchase, the great explorers, Lewis and Clark, and the hardy hunters, trappers, frontiersmen, pioneers, and others who contributed to such expansion.

SEC. 2. (a) The memorial authorized herein shall be constructed in general, in accordance with the plan approved by the United States Territorial Expansion Memorial Commission on May 25, 1948. The Secretary of the Interior is authorized to enter into such contracts as may be necessary to carry out the purposes of this Act. The Secretary is also authorized to employ, in his discretion, by contract or otherwise, landscape architects, architects, engineers, sculptors, artists, other expert consultants, or firms, partnerships, or associations thereof, and to include in any such contract provision for the utilization of the services and facilities, and the payment of the travel and other expenses, of their respective organizations, in accordance with the usual customs of the several professions and at the prevailing rates for such services and facilities, without regard to the civil-service laws or regulations, the Classification Act of 1949, section 3709 of the Revised Statutes, as amended, or any other law or regulation relating to either employment or compensation.

Contracts, employment, etc.

(b) The Secretary of the Interior, in connection with the construction and operation of the memorial, is authorized to grant such easements as are in the public interest, and, in his discretion, to convey to the city of Saint Louis for above-ground parking structures, under such terms and conditions as he may consider to be compatible with maintaining the integrity, appearance, and purposes of said memorial, such portion of the historic site as may in his judgment be excluded therefrom without detriment thereto, subject, however, to reversion of such portion of the historic site to the United States if such excluded area ceases to be used for parking purposes by said city.

63 Stat. 954.
5 USC 1101 note.
41 USC 5.

Easements, etc.

(c) The Secretary of the Interior is authorized to grant easements for the purpose of erecting underground structures suitable for public protection under such terms and conditions as he may consider to be compatible with maintaining the integrity, appearance, and purposes of said memorial.

SEC. 3. The memorial project authorized herein shall not be undertaken until there shall have been reached an agreement satisfactory to the Secretary of the Interior providing for the relocation of the railroad tracks and structures now situated on lands adjacent to the Jefferson National Expansion Memorial National Historic Site, between the boundary of the site and the river. Such agreement shall contain such terms as may be deemed desirable by the Secretary but shall contain a provision limiting the Federal expenditure of funds in connection with such relocation of the tracks and structures to work undertaken within the historic site area.

Relocation of
railroad tracks.

SEC. 4. (a) There is hereby authorized to be appropriated not to exceed \$5,000,000 to complete certain elements of the memorial as authorized by this Act. These elements are specifically described as (1) railroad relocation, \$1,875,000; (2) grading and filling, \$1,125,000; (3) landscaping, \$500,000; (4) paved areas, utilities, and so forth, \$900,000; and (5) restoration of Old Courthouse, \$600,000. Funds authorized to be appropriated by this Act shall be expended by the United States for construction of the memorial in the ratio of \$3 of Federal funds for each \$1 of money contributed hereafter by the city of Saint Louis or other non-Federal source for purposes of the memorial, and for such purposes the Secretary is authorized to accept from the said city or other non-Federal sources, and to utilize for purposes of this Act, any money so contributed: *Provided*, That the value of any land hereafter contributed by the city of Saint Louis shall be excluded from the computation of the city's share.

Appropriation.

Restrictions.

(b) The authorization for an appropriation contained in subsection (a) shall not be effective until such time as—

(1) the receipts of the Government for the preceding fiscal year have exceeded the expenditures of the Government for such year, as determined by the Director of the Bureau of the Budget; or

42 Stat. 20.
31 USC 1.

(2) the budget submitted to the Congress by the President under the Budget and Accounting Act, 1921, reveals that the estimated receipts of the Government for the fiscal year for which such budget is submitted are in excess of the estimated expenditures of the Government for such fiscal year.

Arch.

SEC. 5. The authorization for an appropriation contained in this Act shall not be deemed to authorize the appropriation of any funds to be available for expenditure in any manner for the planning or construction of the stainless steel arch provided for in the so-called "Saarinen Plan", approved May 25, 1948, by the United States Territorial Expansion Memorial Commission, or any modification of such arch, and the Secretary of the Interior is directed not to expend any Government funds in planning for or constructing such arch or any modification thereof.

Approved May 17, 1954.

Public Law 362

CHAPTER 205

AN ACT

May 17, 1954
[H. R. 6988]

To amend an Act approved December 15, 1944, authorizing the Secretary of the Interior to convey certain land in Powell townsite, Wyoming, Shoshone reclamation project, Wyoming, to the University of Wyoming.

University of
Wyoming.
Conveyance.
58 Stat. 807.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act approved December 15, 1944, Public Law 487, Seventy-eighth Congress, chapter 590, second session, is hereby amended to terminate the trust imposed on the land caused to be conveyed by patent by the Secretary of the Interior to the University of Wyoming, under and by virtue of the authority of said Act, without affecting the reservation to the United States of all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same, as in said Act provided, by striking out the following: "in trust for use as an agricultural experiment station;".

SEC. 2. Section 2 of said Act of December 15, 1944, Public Law 487, Seventy-eighth Congress, chapter 590, second session, to accomplish the purposes aforesaid, is also amended by striking out the whole thereof.

SEC. 3. The Secretary of the Interior is hereby authorized and empowered to execute and deliver to the University of Wyoming any documentary evidence which he may determine to be necessary to carry out the intent of this Act.

Approved May 17, 1954.

Public Law 363

CHAPTER 206

AN ACT

May 17, 1954
[H. R. 8377]

Authorizing the appropriation of funds to provide for the prosecution of projects in the Columbia River Basin for flood control and other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (b) under the title "Columbia River Basin" in section 204 of the Flood

Control Act approved May 17, 1950, as amended by Public Law 75, Eighty-third Congress, approved June 22, 1953, is hereby further amended by striking out "\$150,000,000" and substituting in lieu thereof "\$166,000,000".

Approved May 17, 1954.

64 Stat. 179; 67 Stat. 77.

Public Law 364

CHAPTER 218

AN ACT

To authorize the financing of a program of public works construction for the District of Columbia, and for other purposes.

May 18, 1954
[H. R. 8097]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act, divided into titles and sections, may be cited as the "District of Columbia Public Works Act of 1954".

District of Co-
lumbia Public
Works Act of 1954.

(b) As used in this Act—

(1) The word "Commissioners" means the Board of Commissioners of the District of Columbia or their designated agent or agents.

(2) The word "District" means the District of Columbia.

(3) The word "person" includes any individual corporation, partnership, firm, organization, association, group, trust, estate, or other entity.

(4) The term "Highway Fund" means the fund in the Treasury of the United States created by the Act approved August 17, 1937 (50 Stat. 676 and 681), as amended (secs. 40-103 (d) and 47-1901, D. C. Code, 1951 edition).

(c) Wherever any officer or agency of the District, other than the Commissioners, is mentioned in this Act, such officer or agency shall be deemed to be the officer or agency so mentioned, or the officer, officers, agency, or agencies succeeding to the functions of the officer or agency so mentioned, pursuant to Reorganization Plan Numbered 5 of 1952.

66 Stat. 824.
D. C. Code title
1 app.

TITLE I—ADJUSTMENT OF WATER RATES

SEC. 101. The Commissioners are authorized, in their discretion, to fix from time to time, the rates charged by the District for water and water services furnished by the District water supply system. Such rates so fixed, whether involving one or more changes in rate, or one or more changes in the basic quantity of water to be supplied at a given rate, or the combined effect of both such changes, shall not, in any event, result in increasing by more than 33⅓ per centum the rates in effect on the day preceding the effective date of this section. In computing the charge for the consumption of water in excess of the minimum amount allowed for metered service, if such charge is for a period beginning prior to so fixing such rates and ending thereafter, the charge for such excess consumption shall be prorated on a monthly basis, in accordance with the rates prevailing in the respective periods. Nothing in this title shall be construed to modify the provisions of the Act approved April 14, 1932 (47 Stat. 79, ch. 100; sec. 43-1530, D. C. Code) relating to the delivery of water from the District water supply system to the Washington Suburban Sanitary Commission.

Fixed charges.

SEC. 102. An additional charge of 10 per centum shall be added to any water charge remaining unpaid after the expiration of thirty days from the date of rendition of a bill for such charge.

Charge for un-
paid bills.

Collection.

SEC. 103. The Commissioners are authorized to provide for the collection of water charges, in advance or otherwise, from the owner or occupant of any building, establishment, or other place furnished water or water service by the District, and to shut off the water supply to any such building, establishment, or other place upon failure of the owner or occupant thereof to pay such water charges within thirty days from the date of rendition of the bill therefor. Such authority to shut off the water supply may be exercised by the Commissioners regardless of any change in ownership or occupancy of such building, establishment, or other place. When the water supply to any such building, establishment, or other place has been shut off for failure to pay such water charges, whether the water supply to such building, establishment, or other place was shut off before or after the enactment of this title, the Commissioners shall not again supply such building, establishment, or other place with water until all arrears of water charges, together with penalties and the costs actually incurred in shutting off and restoring the water supply, are paid.

Continuing lien.

SEC. 104. The District shall have a continuing lien for water charges upon any land and the improvements thereon to which water or water service is or has been furnished. Such lien shall have priority over all other liens except liens for District taxes. If any water charges shall remain unpaid after the expiration of two years from the date of rendition of the bill for such charges, or two years from the effective date of this title, whichever is later, the property which has been furnished such water or water service may be sold for such unpaid water charges, together with penalties thereon and costs, at the next ensuing tax sale in the same manner and under the same conditions as property sold for delinquent general taxes, if such water charges, together with penalties thereon and costs, shall not have been paid in full prior to said sale. So much of the proceeds of said sale as represents said unpaid water charges shall be credited to the water fund of the District.

Applicability.

SEC. 105. The remedies set forth in sections 102, 103, and 104 of this title are hereby declared to be cumulative and not exclusive.

Services to Government.

SEC. 106. (a) All water and water services furnished from the District water supply system through any connection thereto for direct use by the Government of the United States or any department, independent establishment, or agency thereof, situated in the District, except water and water services furnished to the United States for the maintenance, operation, and extension of the water system, shall be paid for at the rates for the furnishing and readiness to furnish water applicable to other water consumers in the District. All water and water services furnished from the District water supply system through any connection thereto for direct use by the Government of the United States or any department, independent establishment, or agency thereof, situated outside the District in the States of Maryland or Virginia, except water and water services furnished to the United States for the maintenance, operation, and extension of the water system, shall be paid for at rates comparable to those which may be in effect and charged to State, municipal, or county agencies or other political authorities or jurisdictions within the respective States wherein said Federal facilities may be situated for similar water service from the District water supply system: *Provided*, That conditions as to water pressure, quantity, rates of demand, and points of connection available or permissible at any time for service outside the District, if any, shall be fixed by the Commissioners so as to fully protect the prior interests of water consumers within the District: *Provided further*, That as a condition of service, at each point of Federal connection to the water system of the District for service outside the District there shall be installed and maintained at the expense of the

department, independent establishment, or agency of the United States which is to use water therefrom a suitable meter or meters and incidental vaults, valves, piping and recording devices, and such other equipment as the Commissioners in their discretion deem necessary to control and record the use of water through each such connection. Payment shall be made as provided in subsection (b) of this section. Whenever any payment authorized by this section is made, such payment shall be in lieu of so much of the annual payment authorized by article VI of the Act approved July 16, 1947 (61 Stat. 328, 361), as pertains to the Water Fund of the District. The provisions of sections 102, 103, and 104 of this title, relating, respectively, to enforcement of payment for water charges by penalty charge for late payment, by shutting off of the water supply for nonpayment, and the imposition of lien and sale of property, shall not apply in any case where water or water service is furnished to a building, establishment, or other place owned by the Government of the United States and occupied by a department, independent establishment, or agency thereof.

Nonapplicability.

(b) For the purpose of effectuating the provisions of subsection (a) of this section, there shall be included annually in the budget estimates of the Commissioners the value, as determined by the Commissioners, of the water and water services furnished to the United States during the most recent preceding fiscal year for which such value can be determined, based on the water rates prevailing during the period of consumption, and there shall be appropriated annually for the District to the credit of the said Water Fund, out of any money in the Treasury not otherwise appropriated (to be advanced on July 1 of each fiscal year beginning July 1, 1954), a sum corresponding to the value of the water and water services furnished the United States.

Budget estimates.

SEC. 107. The first proviso of section 2 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes", approved July 1, 1882 (22 Stat. 144; sec. 43-1504, D. C. Code, 1951 edition), is amended by striking the word "annually" and inserting in lieu thereof the following: "at least once every twelve months, or whenever practicable in the judgment of the Commissioners, at least once every six months".

Fiscal year.

SEC. 108. (a) Subsection (a) of section 2 of the Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (64 Stat. 195; sec. 43-1540, D. C. Code, 1951 edition), is amended by striking the figures "23,000,000", and inserting in lieu thereof the figures "35,000,000".

Water system expansion.
Loans.

(b) Subsections (c) and (d) of section 2 of such Act approved June 2, 1950, are amended to read as follows:

D. C. Code 43-1540.

"(c) Any loan advanced pursuant to this section shall be repaid to the Secretary of the Treasury in substantially equal annual payments, including principal and interest, within a period of thirty years beginning on July 1 of the second fiscal year following the date on which each such advance is credited to the Water Fund: *Provided*, That any such loan advanced prior to the effective date of this amendatory section shall, for the purpose of determining the time when repayment thereof shall begin, be deemed to have been credited to the Water Fund on such effective date, and interest accrued on any such loan advanced prior to the effective date of this amendatory section shall be paid at such time and in such manner as the Secretary of the Treasury shall determine: *Provided further*, That the Commissioners may, in their discretion, make repayments in larger amounts at any

Repayment.

time during the life of any loan advanced pursuant to this section. Interest on such loans shall begin to accrue as of the dates the respective advancements are credited to the Water Fund.

Interest.

“(d) Loans advanced pursuant to this section during any six-month period (beginning with the six-month period ending June 30, 1953) shall be at a rate of interest determined by the Secretary of the Treasury as of the beginning of such period, which, in his judgment, would reflect the cost of money to the Treasury for borrowings at a maturity approximately equal to one-half of the period of time the loan is outstanding.”.

D. C. Code 43-1540.

(c) Subsection (e) of section 2 of such Act approved June 2, 1950, is amended by striking therefrom “beginning with the budget estimates for fiscal year 1961”.

Effective date.

SEC. 109. Sections 101 to 105, inclusive, of this title shall take effect on the first day of the third month following its enactment.

TITLE II—SANITARY SEWAGE WORKS

Definitions.

SEC. 201. For the purposes of this title—

(a) The term “sanitary sewage” means (1) domestic sewage with storm and surface water limited; (2) sewage discharging from sanitary conveniences; (3) commercial or industrial wastes; and (4) water supply after it has been used.

(b) The term “stormwater sewage” means liquid flowing in sewers resulting directly from precipitation.

(c) The term “combined sewage” means sewage containing both sanitary sewage and stormwater sewage.

(d) The term “sewer” means a pipe or conduit carrying sewage.

(e) The term “sanitary sewer” means a sewer which carries sanitary sewage.

(f) The term “stormwater sewer” means a sewer which carries stormwater sewage.

(g) The term “combined sewer” means a sewer which carries both sanitary sewage and stormwater sewage.

(h) The term “sanitary sewage works” means a system of sanitary and combined sewers, appurtenances, pumping stations, and treatment works for conveying, treating, and disposing of sanitary sewage.

(i) The term “stormwater sewer system” means a system of sewers, appurtenances, and pumping stations for conveying and disposing of stormwater sewage.

(j) The term “combined sewer system” means a system of sewers and appurtenances conveying both sanitary sewage and stormwater sewage.

D. C. Sanitary Sewage Works Fund.

SEC. 202. There is hereby created in the Treasury of the United States a special fund which shall be known as the D. C. Sanitary Sewage Works Fund, and which shall be composed of such sums as shall be deposited to the credit of such fund, including, but not limited to, sums received by the Commissioners under the provisions of the Act entitled “An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes”, approved April 22, 1904 (33 Stat. 244; secs. 43-1510 to 43-1517, D. C. Code, 1951 edition), on account of assessments levied for the construction of sewers and including any payment made to the District by any governmental agency of the States of Maryland or Virginia on account of any sewer service furnished any such agency by the District.

Use of Fund.

SEC. 203. Subject to appropriations, the D. C. Sanitary Sewage Works Fund shall be available for use by or under the direction and control of the Commissioners for—

(a) the construction, operation, maintenance, expansion, relocation, replacement, renovation, and repair of the sanitary sewage works of the District, including all expenses;

(b) payment of a portion of such administrative expenses as may not be wholly allocated to the sanitary sewage works or to any other sewage works of the District, but which expenses are incurred in connection with the operation of the sanitary sewage works and either or both the stormwater sewer system and the combined sewer system. The portion of such expenses to be paid from the D. C. Sanitary Sewage Works Fund shall be fixed from time to time by the Commissioners at such a percentage of the total of such expenses for the said sewer systems as the Commissioners, in their discretion, may determine;

(c) payment of such portion of all expenses for the construction, operation, maintenance, expansion, relocation, replacement, renovation, and repair of the combined sewer system of the District as the Commissioners, in their discretion, determine to be attributable to the sanitary sewage function of such combined sewer system;

(d) payment of the District's contribution to the expenses of the Interstate Commission on the Potomac River Basin;

(e) payments by the District to agencies in the State of Maryland providing services to the District for conveying, treating, or disposing of sanitary sewage: *Provided*, That the said fund shall not be available to pay the cost of providing sewage service to institutions of the District located in the State of Maryland;

(f) payments to the General Fund and other funds of the District for such expenses or estimated expenses as are or may be incurred in the administration of this title;

(g) payment to the United States Treasury of the interest, in accordance with the provisions of this title, on loans to the District for such Sanitary Sewage Works Fund;

(h) repayment to the United States Treasury of the principal amount of each loan made to the District in accordance with the provisions of this title, and of any advancements made to the District in accordance with the provisions of section 204 of this title; and

(i) refund of part or all of any sanitary sewer service charges erroneously paid: *Provided*, That application for refund shall be made within two years after such erroneous payment.

SEC. 204. The Secretary of the Treasury, notwithstanding the provisions of the District of Columbia Appropriation Act, approved June 29, 1922 (42 Stat. 668), is authorized and directed to advance, on the requisition of the Commissioners, made in the manner now prescribed by law, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary, from time to time, to meet the expenses of the District in connection with the construction, operation, maintenance, expansion, relocation, replacement, renovation, and repair of the sanitary sewage works of the District, as authorized by Congress, and such amounts so advanced shall be reimbursed by the said Commissioners to the Treasury out of the moneys deposited to the credit of the D. C. Sanitary Sewage Works Fund.

Construction,
maintenance, etc.,
expenses.

SEC. 205. Notwithstanding the provisions of this title, any current appropriation available to the District for the construction, operation, maintenance, expansion, relocation, replacement, renovation, and repair of the sanitary sewage works of the District shall remain available for the purposes for which appropriated.

Current appro-
priation.

Service charges.

SEC. 206. The Commissioners are authorized to establish charges for the provision of sanitary sewer service, such charges to be collected in the same manner and at the same time as water charges are collected, and to be paid into the D. C. Sanitary Sewage Works Fund.

Basis for charges.

SEC. 207. The sanitary sewer service charges established under the authority of this title shall be based on the water consumption of, and water service to, the properties served, and be determined by one of the following methods:

(a) Where water is supplied from the District water supply system at meter rates, the Commissioners shall establish the sanitary sewer service charge as a percentage of the water charge applicable in the District, but such percentage shall not exceed 60 per centum of the water charge.

(b) Where water is supplied from the District water supply system, which water is not measured by meter, but is supplied at special business and miscellaneous rates, the Commissioners shall establish the sanitary sewer service charge at a percentage of such special business and miscellaneous rates, but such percentage shall not exceed 60 per centum of such rates.

(c) For each property using water, all or part of which is from a source or sources other than the District water supply system, the Commissioners shall establish a sanitary sewer service charge separate from and in addition to any sanitary sewer service charge levied under paragraph (a) or (b) of this section. Such separate or additional sanitary sewer service charge shall be measured by the quantity of water from the source or sources other than the District water supply system discharged into the District sanitary sewer system from said property. The owner or occupant of each such property shall install and maintain, without cost to the District, a meter or meters to measure the quantity of water received from other than the water supply system of the District, and the sanitary sewer service charge based upon water received from other than the water supply system of the District shall be the same in amount as would be paid by the owner of a metered property receiving the same quantity of water from the water supply system of the District. No meter shall be installed or be used for such purpose without the approval of the Commissioners. In the event the owner or occupant of property fails or refuses to furnish and properly maintain such meter or meters as are prescribed herein in the manner required by the Commissioners, then the supply of water from the District water supply system to the property or premises may be suspended by the Commissioners and the said supply shall not be restored until the metering of such supplementary water source has been accomplished by the owner or occupant to the satisfaction of the Commissioners, and any costs devolving upon the District as a result of the suspension of service from the District water supply system shall be paid to the District prior to the restoration of water service from the District water supply system.

(d) Wherever a property upon which a sanitary sewer service charge is imposed uses water from the water supply system of the District for an industrial or commercial purpose in such manner that the water so used is not discharged into the sanitary sewage works of the District, the quantity of water so used and not discharged into the sanitary sewage works of the District may be excluded in determining the sanitary sewer service charge on such property, if such exclusion is previously requested in writing by the owner or occupant thereof. Upon such request, the quantity of water so used and not discharged into the sanitary sewage works of the District shall be measured by a device or devices approved by the Commissioners, installed and maintained without cost to the District, and the sanitary

sewer service charge to be imposed on such property shall be not more than 60 per centum of the water charge which would have been charged such property if the amount of water so used and not discharged into the sanitary sewage works of the District had not been included in the amount of water used by such property: *Provided*, That all water from the water supply system of the District used by such property shall be paid for at established rates, whether or not such water is discharged into the sanitary sewage works of the District. Where, in the opinion of the Commissioners, it is not practicable to install a measuring device to determine continuously the quantity of water used for such industrial or commercial purposes and not discharged into the sanitary sewage works of the District, the Commissioners shall determine periodically, in such manner and by such methods as the Commissioners may prescribe, the quantity of water from the water supply system of the District discharged into the sanitary sewage works of the District, and the sanitary sewer service charge shall be based on such estimated quantity of water at the percentage authorized by this paragraph. Any dispute as to such estimated amount shall be decided by the Commissioners and such decision shall be final; and in the event the owner or occupant fails to furnish and maintain such measuring devices or to facilitate the periodic determinations by the Commissioners as prescribed herein, then the privilege of excluding some portion of the water used from the District water supply system from the charges for sanitary sewer service shall be forfeited and the charges for sanitary sewer service shall be based on the full amount of the water used from the District water supply system.

SEC. 208. (a) The owner or occupant of each building, establishment, or other place in the District connected with any District sewer conducting sanitary sewage shall pay the sewer service charge authorized by this title.

(b) If the sanitary sewer service charge imposed by this title is based on a water charge any part of which is for a period beginning prior to the imposition of the sanitary sewer service charge and ending thereafter, the sanitary sewer service charge shall be prorated, on a monthly basis, on so much of such water charge as shall have accrued subsequent to the effective date of this title.

SEC. 209. All meters or other measuring devices installed or required to be used under the provisions of this title shall be under the control of the Commissioners, who shall promulgate all regulations necessary in their judgment to effectuate the purposes of this title. The owner or occupant of the property upon which any such measuring device is installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made at the owner's cost, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the District, shall be due and payable when rendered, and the Commissioners are authorized to provide for stopping the supply of water to any building or establishment upon the failure to pay such charge for meter repairs.

SEC. 210. The Commissioners are hereby authorized, in order to encourage the prompt payment of the sanitary sewer service charge imposed by this title, to impose an additional charge of 10 per centum for any sanitary sewer service charge remaining unpaid for more than thirty days, to shut off the water of premises for which such charge is not paid within thirty days, and to have and enforce a continuing lien for such charge upon the land and any improvements thereon furnished such sanitary sewer service, in the same manner and to the same extent as if sections 102, 103, 104, and 105 of title I of this Act were set forth in this title, and such sections shall be deemed to be

Payment.

Proration of
charge.

Meters, etc.

Charge for un-
paid bills.

Continuing lien.

applicable in every particular to the sanitary sewer service charge imposed by this title: *Provided*, That whenever said lien is enforced by the sale of property against which it has been assessed, so much of the proceeds of such sale as represents said unpaid sanitary sewer service charges shall be credited to the D. C. Sanitary Sewage Works Fund.

Churches and
institutions.

SEC. 211. The sanitary sewer service charges applicable to such churches and institutions as may under existing law be furnished water without charge by the Commissioners shall be predicated only on the quantity of water used in excess of the amount fixed by the Commissioners in each case as to which no water charge is made.

Services to Gov-
ernment.

SEC. 212. (a) The sanitary sewer service charges prescribed herein shall be applicable to all sanitary sewer services furnished by the sanitary sewage works of the District through any connection thereto for direct use by the Government of the United States or any department, independent establishment, or agency thereof, and such charges shall be predicated on the value of water and water services received by such facilities of the Government of the United States or any department, independent establishment, or agency thereof from the District water supply system. Payment of the said sanitary sewer service charge shall be made as provided in subsection (b) of this section: *Provided*, That the aggregate amount of such sanitary sewer service charge for each fiscal year shall be determined in the manner prescribed in section 207 hereof: *Provided further*, That the obligation to pay for sanitary sewer services received by the Government of the United States or any department, independent establishment, or agency thereof shall be with respect to such service furnished on and after July 1, 1954.

Budget esti-
mates.

(b) For the purpose of effectuating the provisions of subsection (a) of this section there shall be included annually in the budget estimates of the Commissioners beginning with the estimates for the fiscal year ending June 30, 1955, the value as determined by the Commissioners of the sanitary sewer service furnished to the United States or to any department, independent establishment, or agency thereof during the most recent preceding fiscal year for which such value can be determined based on the rates for such charges prevailing during the period of such service, and there shall be appropriated annually for the D. C. Sanitary Sewage Works Fund out of any money in the Treasury not otherwise appropriated (to be advanced on July 1 of each fiscal year beginning July 1, 1954) a sum corresponding to the said value of charges for sanitary sewer service furnished the United States.

Construction,
etc.
Loans.

SEC. 213. The Commissioners are hereby authorized to accept loans for the District from the United States Treasury to finance the construction, expansion, relocation, replacement, or renovation of (1) the sanitary sewer system of the District or (2) the combined sewer system of the District; and the Secretary of the Treasury is authorized to advance such sums as may be appropriated for such purposes.

Limitation.

SEC. 214. The total principal amount of loans made in connection with the construction, expansion, relocation, replacement, or renovation of the sanitary and combined sewer systems of the District shall not exceed \$5,000,000. Such loans shall be in addition to any other loans heretofore or hereafter made to the Commissioners for any other purpose, and when advanced shall be deposited in full in the Treasury of the United States to the credit of the D. C. Sanitary Sewage Works Fund.

SEC. 215. Nothing herein contained shall prohibit the use of funds deposited to the credit of the D. C. Sanitary Sewage Works Fund from being used for the construction, expansion, relocation, replacement, or renovation of any sewer in the combined sewer system of the District, but the Commissioners, prior to authorizing the use of moneys from such fund for such work, shall determine the percentage of the cost to be borne by the D. C. Sanitary Sewage Works Fund and the percentage to be borne by the General Fund.

Use of funds.

SEC. 216. The loans authorized by this title shall be advanced to the Commissioners on their requisitions therefor, shall be available to the Commissioners for the construction, expansion, relocation, replacement, or renovation of all parts of the sanitary sewage works of the District, and shall be available until expended.

Availability.

SEC. 217. Any loan advanced under this title shall be repaid to the Secretary of the Treasury in substantially equal annual payments, including principal and interest, within a period of thirty years beginning on July 1 of the second fiscal year following the date on which each such advance is credited to the D. C. Sanitary Sewage Works Fund: *Provided*, That the Commissioners may, in their discretion, make repayments in larger amounts at any time during the life of any such loan. Interest on such loans shall begin to accrue as of the dates the respective advancements are credited to the D. C. Sanitary Sewage Works Fund.

Loan repayment.

SEC. 218. Loans advanced pursuant to this title during any six-month period (beginning with the six-month period ending December 31, 1954) shall be at a rate of interest determined by the Secretary of the Treasury as of the beginning of such period, which, in his judgment, would reflect the cost of money to the Treasury for borrowings at a maturity approximately equal to one-half of the period of time the loan is outstanding.

Interest.

SEC. 219. The provisions of sections 206 to 211, inclusive, of this title shall become effective on the first day of the third month following the enactment of this Act.

Effective date.

TITLE III—ASSESSMENTS FOR WATER MAINS AND SEWERS

SEC. 301. That so much of the first sentence of section 2 of the Act entitled "An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes", approved April 22, 1904 (33 Stat. 244), as amended (sec. 43-1511, D. C. Code, 1951 edition), as precedes the first proviso of the said sentence is amended to read as follows: "That for laying or constructing water mains in the District of Columbia assessments shall be levied at the rate of \$3 per linear front foot against all lots or land abutting upon that part of the street, avenue, road, or alley in which a water main shall be laid, and that for laying or constructing service sewers in the District of Columbia assessments shall be levied at the rate of \$4 per linear front foot against all lots or land abutting upon that part of the street, avenue, road, or alley in which a sewer shall be laid:".

SEC. 302. The provisions of this title shall be applicable to water mains and service sewers completed after June 30, 1954, or after the date of approval of this Act, whichever is later.

Effective date.

TITLE IV—HIGHWAY CONSTRUCTION

Authorization.	SEC. 401. A program of construction projects to meet immediate capital needs for highways in the District is hereby authorized.
Loans.	SEC. 402. (a) To assist in financing such program of construction, the Commissioners are hereby authorized to accept loans for the District from the United States Treasury and the Secretary of the Treasury is hereby authorized to lend to the Commissioners such sums as may hereafter be appropriated: <i>Provided</i> , That the total principal amount of loans advanced pursuant to this section shall not exceed \$50,250,000: <i>Provided, further</i> , That any loan for use in any fiscal year must first be specifically requested of the Congress in connection with the budget submitted for the District for such fiscal year, with a full statement of the work contemplated to be done and the need thereof, and such work must be approved by the Congress: <i>And provided further</i> , That such approval shall not be construed to alter or to eliminate the procedures for consultation, advice, and recommendation provided in the National Capital Planning Act of 1952 (66 Stat. 781). Such loans shall be in addition to any other loans heretofore or hereafter made to the Commissioners for any other purpose, and when advanced shall be deposited in full in the Treasury of the United States to the credit of the Highway Fund.
Limitations.	
Budget estimate.	
D. C. Code 1-1001 to 1-1013.	
Availability.	(b) The loans authorized under this section, or any parts thereof, shall be advanced to the Commissioners on their requisitions therefor, shall be available to the Commissioners for carrying out the said construction program, and shall be available until expended.
Repayment.	(c) Any loan advanced pursuant to this section shall be repaid to the Secretary of the Treasury in substantially equal annual payments, including principal and interest, within a period of thirty years beginning on July 1 of the second fiscal year following the date on which each such advance is credited to the Highway Fund: <i>Provided</i> , That the Commissioners may, in their discretion, make repayments in larger amounts at any time during the life of any such loan. Interest on such loans shall begin to accrue as of the dates the respective advancements are credited to the Highway Fund.
Interest.	(d) Loans advanced pursuant to this section during any six-month period (beginning with the six-month period ending December 31, 1954) shall be at a rate of interest determined by the Secretary of the Treasury as of the beginning of such period, which, in his judgment, would reflect the cost of money to the Treasury for borrowings at a maturity approximately equal to one-half of the period of time the loan is outstanding.
Budget estimate.	(e) Moneys for the payments to the United States Treasury herein required shall be included in the budget estimates of the Commissioners and shall be payable from the Highway Fund.

TITLE V—PAYMENT INTO HIGHWAY FUND OF RENTS
FOR VAULTS IN PUBLIC SPACE

SEC. 501. Section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved September 1, 1916 (39 Stat. 716; sec. 7-901, D. C. Code, 1951 edition), is amended by inserting immediately before the period at the end thereof the following: "and such rent shall be deposited to the credit of the Highway Fund".

TITLE VI—MOTOR VEHICLE REGISTRATION FEES AND REPEAL OF PERSONAL PROPERTY TAX ON CERTAIN MOTOR VEHICLES

SEC. 601. Section 2 of title IV of the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937 (50 Stat. 673, 680), as amended (sec. 40-102, D. C. Code, 1951 edition), is amended by striking the second sentence of subsection (d) of said section.

Registration.

SEC. 602. Subsection (b) of section 3 of title IV of the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937 (50 Stat. 681), as amended (sec. 40-103, D. C. Code, 1951 edition), is amended (a) by striking clause (1) of class A, and inserting in lieu thereof "(1) When wholly equipped with pneumatic tires, the manufacturer's shipping weight of which is less than three thousand five hundred pounds, \$22; three thousand five hundred pounds or more, \$32."; (b) by striking clause (1) of class B and inserting in lieu thereof "(1) When wholly equipped with pneumatic tires, the manufacturer's shipping weight of the chassis, plus the weight of the cab and body, is less than three thousand pounds, \$40; three thousand pounds or more but less than four thousand pounds, \$44; four thousand pounds or more but less than five thousand pounds, \$52; five thousand pounds or more but less than six thousand pounds, \$60; six thousand pounds or more but less than seven thousand pounds, \$68; seven thousand pounds or more but less than eight thousand pounds, \$74; eight thousand pounds or more but less than nine thousand pounds, \$84; nine thousand pounds or more but less than ten thousand pounds, \$96; ten thousand pounds or more but less than twelve thousand pounds, \$122; twelve thousand pounds or more but less than fourteen thousand pounds, \$142; fourteen thousand pounds or more but less than sixteen thousand pounds, \$172; sixteen thousand pounds or more, \$202: *Provided*, That in determining the total weight of a vehicle subject to the provisions of this clause, there shall be excluded, in computing such weight, the weight of any special equipment which is subject to taxation as tangible personal property under subsection (e) of this section."; (c) class C is amended to read "class C. For each trailer, when the manufacturer's shipping weight of the chassis plus the weight of the body is less than three hundred pounds, \$12; three hundred pounds or more but less than five hundred pounds, \$16; five hundred pounds or more but less than one thousand pounds, \$26; one thousand pounds or more but less than two thousand five hundred pounds, \$36; two thousand five hundred pounds or more but less than three thousand five hundred pounds, \$46; three thousand five hundred pounds or more but less than six thousand pounds, \$60; six thousand pounds or more but less than eight thousand pounds, \$74; eight thousand pounds or more but less than ten thousand pounds, \$92; ten thousand pounds or more but less than twelve thousand pounds, \$122; twelve thousand pounds or more but less than sixteen thousand pounds, \$152; sixteen thousand pounds or more, \$182: *Provided*, That in determining the total weight of a trailer subject to the provisions of this class C, there shall be excluded, in computing such weight, the weight of any special equipment which is subject to taxation as tangible personal property under subsection (e) of this section."; (d) class D is amended by striking the figure "5" and inserting in lieu thereof the figure "12"; and (e) by striking therefrom "Class E. Motor vehicles not propelled by gasoline, double the fees for similar vehicles propelled by gasoline."

Fees.

Proceeds from
fees, etc.; use.
50 Stat. 681.
D. C. Code 40-
103.

SEC. 603. Subsection (d) of section 3 of title IV of such Act, as amended, is amended by striking "All proceeds from fees payable under this title and", and inserting in lieu thereof "Proceeds from fees payable under this title shall be divided between the General Fund and the Highway Fund. The Commissioners are authorized and empowered to determine the percentage of all proceeds from fees payable under this title which shall be deposited to the credit of the General Fund of the District of Columbia: *Provided*, That the percentage of proceeds deposited to the credit of the General Fund shall be not less than sixty-four per centum or more than seventy-four per centum of all proceeds from fees payable under this title. The remainder of such proceeds payable under this title."

SEC. 604. Section 3 of title IV of such Act, as amended, is amended by adding at the end thereof the following new subsection:

Mounted equip-
ment.
Fees.

"(e) Notwithstanding the provisions of this Act, special equipment mounted on a motor vehicle or trailer and not used primarily for the transportation of persons or property shall be taxed as tangible personal property as provided by law. For the purpose of determining the fees authorized by clause 1 of class B and class C of subsection (b) of this section, the weight of special equipment taxed in accordance with the provisions of this subsection (e) shall be excluded in computing the weight of the vehicle or trailer on which it is mounted."

Personal prop-
erty taxes.

SEC. 605. Paragraph ten of section six of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 620), as amended (sec. 47-1208, D. C. Code, 1951 edition), is amended by adding at the end of said paragraph the following:

Exemption.

50 Stat. 679.

Exception.

"Fifth. Any motor vehicle or trailer registered in accordance with the provisions of title IV of the District of Columbia Revenue Act of 1937, as amended (title 40, ch. 1, D. C. Code, 1951 edition), and not comprising any part of the stock in trade of a merchant: *Provided*, That any motor vehicle or trailer comprising all or part of the stock in trade of any merchant shall continue to be taxed as provided by law: *Provided further*, That special equipment mounted on a motor vehicle or trailer and not used primarily for the transportation of persons or property shall be taxed as tangible personal property as provided by law."

Payment.

SEC. 606. Section 5 of the Act approved July 3, 1926 (44 Stat. 833), as amended (sec. 47-1209, D. C. Code, 1951 edition), is amended by striking "excepting the tax on motor vehicles as herein provided,".

Returns.

SEC. 607. Section 6 of the Act approved July 3, 1926 (44 Stat. 833), as amended (sec. 47-1206, D. C. Code, 1951 edition), is amended by striking "other than automobiles".

Repeals.

SEC. 608. Section 3 of the Act approved February 18, 1929 (45 Stat. 1226), as amended (sec. 47-1210, D. C. Code, 1951 edition), is hereby repealed.

SEC. 609. Section 4 of title IV of the Act approved July 26, 1939 (53 Stat. 1108; sec. 47-1211, D. C. Code, 1951 edition), is hereby repealed.

Effective date.

SEC. 610. This title shall become effective on and after the 1st day of April following the enactment of this Act by ninety days or more.

TITLE VII—FEDERAL PAYMENT OF PART OF THE COST OF MAINTAINING AND OPERATING THE DISTRICT OF COLUMBIA

Article VI of the District of Columbia Revenue Act of 1947, approved July 16, 1947 (61 Stat. 361), as amended (sec. 47-2501a, D. C. Code, 1951 edition), is amended by inserting "SECTION 1." at the beginning of such article, and by adding at the end thereof the following new section:

"SEC. 2. (a) For the fiscal year ending June 30, 1955, and for each fiscal year thereafter there is hereby authorized to be appropriated, in addition to the sums appropriated under section 1 of this article, an annual payment by the United States toward defraying the expenses of the government of the District of Columbia in the sum of \$9,000,000: *Provided*, That so much of the aggregate annual payments by the United States appropriated under this article to the credit of the General Fund as is in excess of \$13,000,000 shall be available for capital outlay only, and then on a cumulative total basis only to the extent of not more than 50 per centum of the cumulative total of capital outlay appropriations payable from such general fund which becomes available for expenditure on or after July 1, 1954.

"(b) If in any fiscal year or years a deficiency exists between the amount appropriated and the amount of \$20,000,000 authorized by this article to be appropriated, additional appropriations are hereby authorized for subsequent fiscal years to pay such deficiency or deficiencies.

"(c) The payments authorized by this section shall be credited to the General Fund of the District of Columbia."

TITLE VIII—AMENDMENTS TO THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

SEC. 801. Subsection (a) of section 23 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 319, 332), as amended (sec. 25-124, D. C. Code 1951), is further amended to read as follows:

"SEC. 23. (a) There shall be levied, collected, and paid on all of the following-named beverages manufactured by a holder of a manufacturer's license and on all of the said beverages imported or brought into the District by a holder of a wholesaler's license, except beverages as may be sold to a dealer licensed under the laws of any State or Territory of the United States and not licensed under this Act, and on all beverages imported or brought into the District by a holder of a retailer's license, a tax at the following rates to be paid by the licensee in the manner hereinafter provided: (1) a tax of 20 cents on every wine-gallon of wine containing more than 14 per centum of alcohol by volume, except champagne or sparkling wine or any wine artificially carbonated, and a proportionate tax at a like rate on all fractional parts of such gallon; (2) a tax of 30 cents on every wine-gallon of champagne or sparkling wine or any wine artificially carbonated, and a proportionate tax at a like rate on all fractional parts of such gallon; (3) a tax of \$1 on every wine-gallon of spirits and a proportionate tax at a like rate on all fractional parts of such gallon; (4) and a tax of \$1.25 on every wine-gallon of alcohol and a proportionate tax at a like rate on all fractional parts of such gallon."

Retailer.

SEC. 802. Within ten days after the effective date of this title, every holder of a retailer's license under said District of Columbia Alcoholic Beverage Control Act shall file with the Alcoholic Beverage Control Board a sworn statement on a form to be prescribed by the Commissioners showing the number of each kind and denomination of stamps denoting the payment of beverage taxes held or possessed by such licensee or anyone for him on the day on which this title becomes effective, or on the following day if the effective date be a Sunday, other than stamps affixed to the containers of beverages manufactured in or imported into the District prior to the effective date of this title, and shall, within fifteen days after the effective date of his title, pay to the Collector of Taxes, the difference between the amount of tax represented by such stamps at the time of purchase from the Collector of Taxes and the amount of tax imposed by the Alcoholic Beverage Control Act as amended by this title, represented by such stamps.

Payment.

D. C. Code 25-
101.
Manufacturer or
wholesaler.

SEC. 803. Within ten days after the effective date of this title, every holder of a manufacturer's license, class A, and every holder of a wholesaler's license under the District of Columbia Alcoholic Beverage Control Act shall file with the Alcoholic Beverage Control Board a sworn statement on a form prescribed by the Commissioners showing the amount and kind of all beverages, except (1) beer, (2) wine containing 14 per centum or less of alcohol by volume other than champagne and wine artificially carbonated, and (3) beverages upon which required stamps have been affixed, held, or possessed by him in the District at the beginning of the day this title becomes effective and shall state the number of each kind and denomination of stamps necessary for the stamping of such beverages so held or possessed. Every such licensee, within ten days after the effective date of this title, shall also file with the Alcoholic Beverage Control Board a sworn statement on a form to be prescribed by the Commissioners showing the number of each kind and denomination of stamps denoting the payment of beverage taxes (other than stamps denoting the payment of beverage taxes on alcohol and other than stamps affixed to the containers of beverages manufactured in or imported into the District prior to the effective date of this title) held or possessed by such licensee or anyone for him at the beginning of the day on which title becomes effective. Every such licensee shall within fifteen days after the effective date of this title pay to the Collector of Taxes for all stamps not necessary for the stamping of beverages shown on the sworn statement hereinbefore required to be filed with the Alcoholic Beverage Control Board the difference between the amount of tax represented by such stamps at the time of purchase from the Collector of Taxes and the amount of tax imposed by the Alcoholic Beverage Control Act, as amended by this title, represented by such stamps. Should the number of any kind of denomination of stamps so held by a licensee be less than the number necessary for the stamping of the beverages shown on said sworn statement, the Collector of Taxes is authorized and directed to sell to such licensee, at the rates prescribed for such stamps prior to the effective date of this title, such stamps as may be necessary for the stamping of such beverages. In the event any of the beverages shown on said sworn statement are sold to a dealer licensed under the laws of any State or Territory of the United States and not licensed under the Alcoholic Beverage Control Act, such sale shall, within ten days thereafter, be reported to the Alcoholic Beverage Control Board and within said ten days such licensee shall pay to the Collector of Taxes on all stamps held by him for the stamping of such beverages the difference between the amount of tax

Payment.

represented by such stamps at the time of purchase from the Collector of Taxes and the amount of tax imposed by the Alcoholic Beverage Control Act, as amended by this title, represented by such stamps.

SEC. 804. Subsection (a) of section 40 of said Act, as amended (sec. 25-138, D. C. Code 1951), is hereby further amended by striking out "\$1" and inserting in lieu thereof "\$1.25".

SEC. 805. Any violation of the provisions of this title shall constitute a violation under the Alcoholic Beverage Control Act and regulations promulgated pursuant thereto.

SEC. 806. The provisions of this title shall become effective on the day following the approval of this Act.

Beer tax.

63 Stat. 136.

Violation.

Effective date.

TITLE IX—AMENDMENTS TO THE DISTRICT OF COLUMBIA CIGARETTE TAX ACT

SEC. 901. Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (63 Stat. 136, ch. 146, title VI, sec. 47-2802, D. C. Code 1951), is amended by striking out the figure and word "1 cent" and inserting in lieu thereof the figure and word "2 cents".

SEC. 902. Within ten days after the effective date of this title, every holder of a wholesaler's, retailer's, or vending machine operator's license under said Act shall file with the Collector of Taxes a sworn statement on a form to be prescribed by the Commissioners showing the number of each kind of stamps denoting payment of cigarette taxes affixed to packages of cigarettes held or possessed by such licensee or anyone for him at the beginning of the day on which this title becomes effective, and shall, within fifteen days after the effective date of this title, pay to the Collector of Taxes the difference between the amount of tax represented by such stamps and the amount of tax imposed by the District of Columbia Cigarette Tax Act as amended by this title.

Tax rate.

63 Stat. 137.

Cigarette tax payment.

SEC. 903. Within ten days after the effective date of this title, every holder of a wholesaler's, retailer's, or vending machine operator's license under said Act shall file with the Collector of Taxes a sworn statement on a form to be prescribed by the Commissioners showing the number of each kind of stamps held or possessed by such licensee or anyone for him which were not affixed to packages of cigarettes at the beginning of the day on which this title becomes effective, and shall, within fifteen days after the effective date of this title, surrender such stamps to the Collector of Taxes. The Collector of Taxes shall credit the amount of tax represented by the stamps surrendered against new stamps purchased by such licensees. In lieu of the credit allowed for surrendering stamps as provided in this section, the licensee shall be entitled to a refund of the amount of tax represented by the stamps surrendered as an overpayment of tax in the same manner and to the same extent as provided in section 4 of the Act of July 10, 1952 (66 Stat. 543, 546, ch. 649) : *Provided*, That the requirement that the amount of refund shall not exceed the portion of tax paid during the two years immediately preceding the filing of the claim for refund shall not be applicable.

Overpayment refund.

SEC. 904. Any violation of the provisions of this title shall constitute a violation under the District of Columbia Cigarette Tax Act and regulations promulgated pursuant thereto.

SEC. 905. The provisions of this title shall become effective on the first day of the first month succeeding the thirtieth day after the approval of this Act.

Violation.

D. C. Code 47-2801 note.

Effective date.

TITLE X—AMENDMENTS TO PERSONAL PROPERTY TAX LAW

Exemptions.

SEC. 1001. Subparagraph numbered "Second" of paragraph numbered 10 of section 6 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 590, 620, ch. 1352), as amended (sec. 47-1208, D. C. Code 1951), is amended to read as follows:

Household belongings.

"Second. Libraries of nonprofit organizations and household belongings located in any dwelling house or other place of abode, or in storage, and boats (to the extent of the first \$1,000 of their value), not held for sale or rent and not held for use or used in any trade or business. For the purposes of this section, the words 'household belongings' shall include all libraries, schoolbooks, wearing apparel, family portraits, pictures, furniture, furnishings, rugs, silverware, china, glassware, musical instruments, radios, television sets, refrigerators, food, photographic equipment, bicycles, tools, clocks, watches, jewelry, and other articles of personal adornment, and other tangible personal property (excluding automobiles and other motor vehicles) ordinarily kept and used or held for use by the occupant of any dwelling house or other place of abode for the ordinary purposes of life. For the purposes of this section, the words 'trade or business' shall include the engaging in or carrying on of any trade, business, profession, vocation, calling, rental of property, commercial activity, and any other activity carried on or engaged in for livelihood or profit."

Repeal.

D. C. Code 47-1208.

SEC. 1002. Subparagraphs numbered "Third" and "Fourth" of paragraph numbered 10 of section 6 of said Act, as amended, are hereby repealed.

32 Stat. 617.
Assessment forms.

SEC. 1003. The fourth subparagraph of the first paragraph of section 6 of said Act, as amended (sec. 47-1203, D. C. Code 1951), is amended as follows:

(a) By striking so much of the first sentence as reads "together with the rate of tax prescribed,";

(b) By striking the words "an affidavit" where they appear in the first sentence and inserting in lieu thereof the words "a form";

(c) By striking therefrom so much as reads "and make and sign an affidavit to the truth thereof, as aforesaid, before the assessor or one of the other members of the said board of personal-tax appraisers, and the members of the said board are hereby authorized to administer such and all oaths in connection with their duties as assessor and appraisers without charge, or before any person authorized by law to administer oaths; and the address in the District of Columbia of the person, corporation, or company making affidavit shall in each case be given below his, its, or their signature," and inserting in lieu thereof the following: "which statement shall also contain, or be verified by, a written declaration that it is made under the penalties of perjury, such declaration to be signed by, and over the address in the District of Columbia of, said person, association, corporation, firm, company, executor, administrator, guardian, or trustee making the statement required hereby,";

(d) By striking the word "sworn" in the second proviso; and

(e) By striking the word "affidavit" in the third proviso and inserting in lieu thereof the word "statement".

Effective date.

SEC. 1004. The provisions of this title shall become effective on July 1 next following the date of approval of this Act.

TITLE XI—INCREASE IN MOTOR-VEHICLE FUEL TAX

SEC. 1101. The first sentence of the first section of the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924 (43 Stat. 106; title 47, ch. 19, D. C. Code, 1951), as amended, is amended by striking the figure "5" and inserting in lieu thereof the figure "6".

66 Stat., 100.
D. C. Code 47-
1901.

SEC. 1102. Section 14 of said Act is amended by striking the figure "5" and inserting in lieu thereof the figure "6".

66 Stat., 100.
D. C. Code 47-
1912.
Effective date.

SEC. 1103. This title shall become effective on the first day of the first month following approval of this Act.

TITLE XII—AMENDMENTS TO DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

SEC. 1201. Section 3 of title VI of the District of Columbia Income and Franchise Tax Act of 1947 (61 Stat. 331, 344, ch. 258), as amended (sec. 47-1567b, D. C. Code, 1951), is amended as follows:

Income tax in-
crease.

(a) By striking the words "One and one-half per centum" and inserting in lieu thereof the words "Two and one-half per centum";

63 Stat., 132.
First \$5000.

(b) By striking the words "Two per centum" and inserting in lieu thereof the words "Three per centum";

Next \$5000.

(c) By striking the words "Two and one-half per centum" and inserting in lieu thereof the words "Three and one-half per centum"; and

Next \$5000.

(d) By striking the words "Three per centum" and inserting in lieu thereof the words "Four per centum".

Excess of
\$15,000.

SEC. 1202. The provisions of this title shall be applicable to taxable years beginning after December 31, 1953.

Effective date.

TITLE XIII—AMENDMENTS TO DISTRICT OF COLUMBIA SALES TAX ACT AND DISTRICT OF COLUMBIA USE TAX ACT

SEC. 1301. Section 107 of the District of Columbia Sales Tax Act (63 Stat. 112, ch. 146; paragraph 7 of sec. 47-2601 D. C. Code, 1951 edition) is amended by striking "bottled" preceding "soft drinks"; by striking "when used for household consumption" after "ice"; and by changing the proviso to read: "*Provided, however,* That the word 'food' shall not include spirituous or malt liquors and beer."

Definitions.

SEC. 1302. Subsection (a) (1) of section 114 of said District of Columbia Sales Tax Act (paragraph 14 (a) (1) of sec. 47-2601, D. C. Code 1951 edition) is amended to read as follows:

"(1) The sale of any meals, food or drink or other like tangible personal property for a consideration."

Gross sales tax.

SEC. 1303. Section 125 of said District of Columbia Sales Tax Act (sec. 47-2602, D. C. Code 1951 edition) is amended by changing the period at the end of the section to a colon and adding the following: "*Provided,* That the rate of tax with respect to sales of food for human consumption off the premises where such food is sold shall be 1 per centum of the gross receipts from such sales, and that the rate of tax with respect to sales or charges for any room or rooms, lodgings, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients shall be 3 per centum of the gross receipts from such sales."

Food consumed
off premises.

Transients'
lodgings, etc.

Vendors' reimbursement.
Rates.

SEC. 1304. Subsections (a), (b), and (c) of section 127 of said District of Columbia Sales Tax Act (sec. 47-2604, D. C. Code, 1951 edition) are amended to read as follows:

General sales.

"(a) On each sale, other than sales of food for human consumption off the premises where such food is sold, and other than sales or charges for rooms, lodgings, or accommodations furnished to transients, where the sales price is from 14 cents to 63 cents, both inclusive, 1 cent; on each such sale where the sales price is from 64 cents to \$1.13, both inclusive, 2 cents; and on each 50 cents of sales price or fraction thereof of such sale in excess of \$1.13, 1 cent.

Food consumed off premises.

"(b) On each sale of food for human consumption off the premises where such food is sold where the sales price is from 28 cents to \$1.27, both inclusive, 1 cent; on each such sale where the sales price is from \$1.28 to \$2.27, both inclusive, 2 cents; and on each \$1 of sales price or fraction thereof of such sale in excess of \$2.27, 1 cent.

Transients' lodgings, etc.

"(c) On each sale or charge for rooms, lodgings, or accommodations, furnished to transients, 3 per centum of the sales price."

Exemptions.

SEC. 1305. Subsection (a) of section 128 of said District of Columbia Sales Tax Act (sec. 47-2605, D. C. Code, 1951 edition) is amended to read as follows:

"(a) Sales to the United States or the District or any instrumentality thereof except sales to national banks and Federal savings and loan associations."

Subsection (d) (1) of said section 128 is repealed.

Subsection (d) (2) of said section 128 is amended by striking "\$1.25" wherever it appears and inserting in lieu thereof "50 cents".

Use tax.

63 Stat. 124.

SEC. 1306. Subsection (a) of section 201 of the District of Columbia Use Tax Act (66 Stat. 124, ch. 146; paragraph 1 (a) of sec. 47-2701, D. C. Code, 1951 edition) is amended by adding at the end thereof the following:

"Retail sale".

"(5) The sale of any meals, food or drink, or other like tangible personal property for a consideration."

63 Stat. 126.

Rate.

SEC. 1307. Section 212 of said District of Columbia Use Tax Act (sec. 47-2702, D. C. Code, 1951 edition) is amended by changing the period at the end of the section to a comma and adding the following: "except that the rate of tax with respect to sales of food for human consumption off the premises where such food is sold shall be 1 per centum of the sales price of such sales."

Payment.

63 Stat. 127.

SEC. 1308. Section 215 of said District of Columbia Use Tax Act (sec. 47-2705, D. C. Code, 1951 edition) is amended by striking "2 per centum of the total" and inserting in lieu thereof "a tax at the rates provided in section 125 of title I of this Act on the".

Effective date.

SEC. 1309. The provisions of this title shall become effective on and after the first day of the first month succeeding the sixtieth day after the approval of this Act.

TITLE XIV—AMENDMENTS TO GROSS RECEIPTS AND MILEAGE TAXES ON TRANSPORTATION COMPANIES

SEC. 1401. Paragraph numbered 5 of section 6 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 590, 619, ch. 1352), as amended (sec. 47-1701, D. C. Code, 1951), is amended by striking out the second and third sentences and inserting in lieu thereof the following: "And in addition thereto the real estate owned by each national or other incorporated bank, and each trust, gas, electric-lighting, and telephone

company in the District of Columbia shall be taxed as other real estate in said District. Each company operating a street railroad or both a street railroad and bus services in the District of Columbia shall pay 2 per centum per annum on their gross receipts: *Provided*, That any such company operating both a street railroad and bus services shall pay the vehicle-mileage tax for the period beginning with the first day of November and ending with the last day of June of the year next preceding the effective date of this amendatory sentence and shall be allowed a credit for any vehicle-mileage tax paid in advance for the four-month period beginning with the first day of July of the year next succeeding the effective date of this amendatory sentence. Each gas, electric-lighting, and telephone company, and each company operating a street railroad or both a street railroad and bus services in the District of Columbia, shall pay, in addition to the taxes herein mentioned, the franchise tax imposed by the District of Columbia Income and Franchise Tax Act of 1947 (61 Stat. 331, ch. 258), as amended (ch. 15, title 47, D. C. Code, 1951), and the tax imposed upon stock in trade of dealers in general merchandise under paragraph numbered 2 of section 6 of said Act approved July 1, 1902 (32 Stat. 590, 618, ch. 1352), as amended."

SEC. 1402. Subparagraph (b) of paragraph 31 of section 7 of the Act approved July 1, 1902 (32 Stat. 590, 622), as amended (sec. 47-2331 (b), D. C. Code, 1951 edition), is amended (a) by striking the period at the end of the first sentence thereof and adding the following: "*Provided*, That the provisions of this subparagraph shall not apply to companies operating both street railroad and bus services in the District of Columbia which pay taxes to the District of Columbia on their gross receipts: *Provided further*, That nothing contained in the preceding proviso shall be construed to require such companies to comply with the provisions of the Act approved June 29, 1938 (52 Stat. 1233; sec. 44-301, D. C. Code, 1951 edition)."; (b) by striking from the third sentence thereof "franchise,"; and (c) by striking from the third sentence thereof "eight-tenths of 1 cent for each vehicle-mile" and inserting in lieu thereof "1 cent for each vehicle-mile".

SEC. 1403. The first section of this title shall become effective on the 1st day of July 1954. The second section of this title shall become effective on the 1st day of November 1954.

D. C. Code 47-1207.
Public vehicles.
License require-
ment.
47 Stat. 555.

Exception.

Mileage tax.

Effective dates.

TITLE XV—MINIMUM RATE OF TAXATION ON REAL PROPERTY

SEC. 1501. For each fiscal year after approval of this Act the rate of taxation on real property in the District of Columbia shall not be less than 2.20 per centum on the assessed value of such property.

TITLE XVI—COLLECTION OF TAXES BY DISTRAINT AND JEOPARDY ASSESSMENTS

SEC. 1601. In addition to any other methods or devices or both provided by law or regulation for the collection of various taxes (except real property taxes) due the District, any tax imposed by any law applicable to District taxes, and penalties and interest thereon, when such tax has become due and payable, may be collected in the manner provided by law for the collection of taxes due the District on personal property in force at the time of such collection; and liens for all such taxes, penalties, and interest may be acquired in the same manner that liens for personal property taxes are acquired.

SEC. 1602. If the assessing authority of the District believes that the collection of any tax imposed by any law applicable to the District Government (except real property taxes) will be jeopardized by delay, the assessing authority shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all the interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest, shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the Collector of Taxes for the District for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful. For the purposes of this section the word "assessing authority" means the Assessor, the Board of Personal Tax Appraisers or any member thereof, and any other official or officials of the District, or their duly authorized representatives, having the duty to assess District taxes.

Applicability.

SEC. 1603. This title shall be applicable with respect to taxes assessed within three years prior to the date of the approval of this Act.

TITLE XVII—GENERAL PROVISIONS

SEC. 1701. REGULATIONS.—The Commissioners are authorized to make rules and regulations to carry out the provisions of this Act.

SEC. 1702. SEPARABILITY CLAUSE.—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Approved May 18, 1954.

Public Law 365

CHAPTER 222

AN ACT

May 25, 1954
[S. 2305]

To promote safe driving, to eliminate the reckless and financially irresponsible driver from the highways, and to provide for the giving of security and proof of financial responsibility by persons driving or owning vehicles of a type subject to registration under the laws of the District of Columbia.

Motor Vehicle
Safety Responsibility
Act of the
District of Colum-
bia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Safety Responsibility Act of the District of Columbia."

ARTICLE I

WORDS AND PHRASES DEFINED

SEC. 2. DEFINITIONS.—The following words and phrases used in this Act shall, for the purpose of this Act, have the meanings respectively ascribed to them in this article except in those instances where the context clearly indicates a different meaning.

(a) COMMISSIONERS.—The Board of Commissioners of the District of Columbia, or their designated agent or agents.

(b) DRIVER OR OPERATOR.—Every person who drives or is in actual physical control of a motor vehicle upon a public highway or who is exercising control over or steering a vehicle being pushed or towed by a motor vehicle upon a public highway.

(c) LICENSE.—Any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District of Columbia including—

- (1) any temporary or learner's permit;
- (2) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
- (3) any nonresident's operating privilege as defined herein.
- (d) **MOTOR VEHICLE.**—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from over-head trolley wires, but not operated upon rails.
- (e) **NONRESIDENT.**—Every person who is not a resident of the District of Columbia.
- (f) **NONRESIDENT'S OPERATING PRIVILEGE.**—The privilege conferred upon a nonresident by the laws of the District of Columbia pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District of Columbia.
- (g) **OWNER.**—A person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Act.
- (h) **PERSON.**—Every natural person, firm, copartnership, association, or corporation.
- (i) **PUBLIC HIGHWAY.**—Any street, road, or public thoroughfare.
- (j) **REGISTRATION.**—The registration plates issued under the laws of the District of Columbia pertaining to the registration of vehicles.
- (k) **VEHICLE.**—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

ARTICLE II

ADMINISTRATION OF ACT

SEC. 3. COMMISSIONERS TO ADMINISTER ACT.—(a) The Commissioners shall administer and enforce the provisions of this Act, and may make rules and regulations necessary for its administration.

(b) The Commissioners shall receive and consider any pertinent information upon request of persons aggrieved by their orders or acts under any of the provisions of this Act.

(c) The Commissioners shall prescribe and provide suitable forms requisite or deemed necessary for the purpose of this Act.

SEC. 4. COMMISSIONERS TO REVIEW ORDER OR ACT OF AGENT.—Any order or act of any agent of the Commissioners under the provisions of this Act shall be subject to review by the Commissioners. Application for review of any such order or act shall be in writing and filed with the Commissioners within five days after the issuance of the order or occurrence of the act in question. If upon review the Commissioners shall sustain such order or act, the same shall become effective immediately.

Any person whose license or motor-vehicle registration shall be denied, suspended, or revoked by the Commissioners under the provisions of this Act may, within thirty days after such denial, revocation, or suspension has been reviewed by the Commissioners and sustained by them, file in the Municipal Court of Appeals for the District of Columbia an application for the allowance of an appeal from the order or decision of the Commissioners. If a majority of the court are of the opinion that the appeal should be allowed, the appeal shall be recorded

as granted and the case set down for hearing on appeal. If a majority of the court shall be of the opinion that the appeal should be denied such denial shall stand as an affirmance of the order appealed from. Said court is authorized to prescribe fees and promulgate rules governing the application for the allowance of an appeal and the record and proceedings on appeal, and the said court shall have power to affirm, modify, or reverse the order or decision of the Commissioners, where the appeal is allowed pursuant hereto; and the decision of said court whether in denying an application for allowance of appeal or in deciding an appeal after it has been granted shall be final. The application to said court for the allowance of an appeal shall not operate as a stay of such order of the Commissioners, unless the applicant shall have deposited with the Commissioners, under protest and subject to the decision of the court, security in the amount required by the Commissioners in accordance with the provisions of this Act, or a bond in an amount equal to the amount of security required by the Commissioners, guaranteeing that the applicant, in the event the order appealed from is sustained or modified by the court, will comply fully therewith. In the event said order of the Commissioners shall be ordered vacated, either by the court or the Commissioners, the security deposited under protest shall be returned to the depositor or the bond shall be canceled.

Definition.

For the purposes of this section, the phrase "review by the Commissioners" shall mean a review by the Board of Commissioners of the District of Columbia or a review by any board of review established by the Commissioners of the District of Columbia to review the order or act of any agent of the Commissioners pursuant to the provisions of this Act. No member of such board of review established by the Commissioners shall review any of his own orders or acts.

SEC. 5. COMMISSIONERS TO FURNISH OPERATING RECORD.—(a) The Commissioners shall upon request furnish any person a certified abstract of the District of Columbia operating record of any person subject to the provisions of this Act, which abstract shall include enumeration of any motor-vehicle accidents in which such person has been involved and reference to any convictions of said person for violation of the motor-vehicle laws as reported to the Commissioners and a record of any vehicles registered in the name of such person. The Commissioners shall collect for each abstract the sum of \$2.

(b) The Commissioners shall upon request furnish any person an uncertified abstract of the District operating record of any person subject to the provisions of this Act, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved and reference to any convictions of said person for violation of the motor vehicle laws, as reported to the Commissioners. The Commissioners shall collect for each such uncertified abstract a sum equal to the cost to the District of furnishing such abstract, as such cost may be determined by the Commissioners from time to time.

SEC. 6. COMMISSIONERS TO FURNISH INFORMATION REGARDING FINANCIAL RESPONSIBILITY.—The Commissioners shall furnish to any person who may be injured in person or property by any motor vehicle, upon written request, a statement that the owner or operator of any motor vehicle has furnished evidence of his ability to respond in damages in accordance with the provisions of this Act, and if such owner or operator shall have furnished evidence of having had in effect at the time of such injury or damage a motor-vehicle liability policy, the name and address of the insurance carrier writing such policy. The Commissioners shall collect for each abstract the sum of \$2.

SEC. 7. SERVICE OF PROCESS ON NONRESIDENT.—The operation by a nonresident or by his agent of a motor vehicle on any public highway of the District of Columbia shall be deemed equivalent to an appointment by such nonresident of the Commissioners or their successors in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceedings against such nonresident growing out of any accident or collision in which said nonresident or his agent may be involved while operating a motor vehicle on any such public highway, and said operation shall be a signification of his agreement that any such process against him, which is so served, shall be of the same legal force and validity as if served upon him personally in the District of Columbia. Service of such process shall be made by leaving a copy of the process with a fee of \$2 in the hands of the Commissioners or in their office, and such service shall be sufficient service upon the said nonresident: *Provided*, That the plaintiff in such action shall first file in the court in which said action is commenced an undertaking in form and amount, and with one or more sureties, approved by said court, to reimburse the defendant, on the failure of the plaintiff to prevail in the action, for the expenses necessarily incurred by the defendant, including a reasonable attorney's fee in an amount to be fixed by the said court in defending the action in the District of Columbia: *And provided further*, That notice of such service and a copy of the process are forthwith sent by registered mail by the plaintiff, or his attorney, to the defendant, and the defendant's return receipt appended to the writ and entered with the declaration, or such notice of such service and a copy of the process may be served upon the defendant in the manner provided by section 105 of the Code of Laws for the District of Columbia (31 Stat. 1206, as amended; § 13-108, D. C. Code, 1951 edition). The court in which the action is pending may order such continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action, and no judgment by default in any such action shall be granted until at least twenty days shall have elapsed after service upon the defendant, as hereinabove provided, of a copy of the process and notice of service of said process upon the Commissioners.

For the purposes of this section, the term "nonresident" shall include every person who is not a resident of the District of Columbia and any person who was a resident of the District of Columbia at the time he was involved in an accident or collision in said District, but who, subsequent to such accident or collision, became a nonresident of the District and remains a nonresident at the time the said process is sought to be served on him.

SEC. 8. OPERATOR DEEMED TO BE AGENT OF OWNERS.—Whenever any motor vehicle, after the passage of this Act, shall be operated upon the public highways of the District of Columbia by any person other than the owner, with the consent of the owner, express or implied, the operator thereof shall in case of accident, be deemed to be the agent of the owner of such motor vehicle, and the proof of the ownership of said motor vehicle shall be prima facie evidence that such person operated said motor vehicle with the consent of the owner.

SEC. 9. ESTABLISHMENT OF MOTOR VEHICLE OWNERS' AND OPERATORS' FINANCIAL RESPONSIBILITY FUND, D. C.—(a) There is hereby created in the Treasury of the United States a special fund which shall be known as the Motor Vehicle Owners' and Operators' Financial Responsibility Fund, D. C., to which shall be deposited any funds paid to the Commissioners as security or proof in accordance with the provisions of this Act.

(b) Said Motor Vehicle Owners' and Operators' Financial Responsibility Fund, D. C., is available to the Commissioners for disbursements required under the provisions of this Act, such disbursements to be made in the same manner as other disbursements for the District of Columbia are made.

ARTICLE III

ACCIDENT REPORTS

SEC. 10. REPORT OF ACCIDENT REQUIRED.—The driver of a vehicle of a type subject to registration under the motor vehicle laws of the District of Columbia which is in any manner involved in an accident within the District of Columbia, which accident has resulted in damage to the property of any one person in excess of \$100 or in bodily injury to or in the death of any person shall within five days after such accident report the accident on a form approved by the Commissioners to the office of the Commissioners subject to the following exceptions in this article.

SEC. 11. FORM OF REPORT.—The form of accident report prescribed by the Commissioners shall contain information sufficient to enable the Commissioners to determine whether the requirements for the deposit of security under this Act are inapplicable by reason of the existence of insurance or other exceptions specified in this Act.

SEC. 12. INCAPACITY OF DRIVER-OWNER TO REPORT.—(a) An accident report is not required under this article from any person who is physically incapable of making report during the period of such incapacity.

(b) If any driver be physically incapable of making a required accident report and is not the owner of the vehicle involved in such accident, then the owner of such vehicle shall within five days after he learns of the accident make such report not made by the driver.

SEC. 13. ADDITIONAL INFORMATION.—The driver or the owner of the vehicle involved in the accident shall furnish such additional relevant information as the Commissioners may require.

SEC. 14. SUSPENSIONS FOR FAILURE TO REPORT.—The Commissioners are authorized, in their discretion, to suspend the license of any person who fails to report as required by the Commissioners until such report has been filed and for such further period, not to exceed thirty days, as the Commissioners may determine.

SEC. 15. ACCIDENT REPORTS CONFIDENTIAL.—Accident reports and supplemental information in connection therewith required under this article may be examined by any person named in such report or his representative designated in writing, but shall not be open to public inspection, nor shall copying of lists of such reports be permitted.

ARTICLE IV

SECURITY FOLLOWING ACCIDENT

SEC. 16. APPLICATION.—The provisions of this Act, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of the District of Columbia which is in any manner involved in an accident within the District of Columbia, which accident has resulted in bodily injury to or death of any person or damage to the property of any one person in excess of \$100.

SEC. 17. COMMISSIONERS TO DETERMINE AMOUNT OF SECURITY REQUIRED; NOTICES.—(a) The Commissioners, not less than twenty days after receipt of a report of an accident as described in the preceding article, shall determine the amount of security which shall be sufficient in their judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this Act from the requirements as to security and suspension.

(b) The Commissioners shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this Act fails to make a report or submit information indicating the extent of his injuries or the damage to his property within fifty days after the accident and the Commissioners do not have sufficient information on which to base an evaluation of such injuries or damage, then the Commissioners after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.

(c) The Commissioners within fifty days after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him and that an order of suspension will be made as hereinafter provided upon the expiration of ten days after the sending of such notice unless within said time security be deposited as required by said notice.

SEC. 18. EXCEPTIONS TO REQUIREMENT OF SECURITY.—The requirements as to security and suspension in this article shall not apply—

(1) to the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver shall not be exempt under this paragraph if at the time of the accident the vehicle was being operated without the owner's permission, express or implied;

(2) to the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of vehicles not owned by him;

(3) to a driver or owner whose liability for damages resulting from the accident is, in the judgement of the Commissioners, covered by any other form of liability insurance policy or bond;

(4) to any person qualifying as a self-insurer under section 79 or to any person operating a vehicle for such self-insurer;

(5) to the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such driver or owner;

(6) to the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(7) to the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission;

(8) to the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, a State or any political subdivision thereof, the District of Columbia, or to the driver of such vehicle if operating such vehicle with permission; or

(9) to the driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his duties, shall have assumed custody of such vehicle.

SEC. 19. REQUIREMENTS AS TO POLICY OR BOND.—(a) No policy or bond shall be effective under section 18 unless issued by an insurance company or surety company authorized to do business in the District of Columbia, except as provided in subdivision (b) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$10,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than \$20,000 because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of property, to a limit of not less than \$5,000 because of injury to or destruction of property of others in any one accident.

(b) No policy or bond shall be effective under section 18 with respect to any vehicle which was not registered in the District of Columbia or a vehicle which was registered elsewhere than in the District of Columbia at the effective date of the policy or bond or the most recent renewal thereof unless the insurance company or surety company issuing such policy or bond is authorized to do business in the District of Columbia, or if said company is not authorized to do business in the District of Columbia, unless it shall execute a power of attorney authorizing the Commissioners to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(c) The Commissioners may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the Commissioners have reason to believe that the information is erroneous.

SEC. 20. FORM AND AMOUNT OF SECURITY.—(a) The security required under this article shall be in such form and in such amount as the Commissioners may require, but in no case in excess of the limits specified in section 19 in reference to the acceptable limits of a policy or bond.

(b) Every depositor of security shall designate in writing every person in whose name such deposit is made, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

SEC. 21. FAILURE TO DEPOSIT SECURITY; SUSPENSIONS.—In the event that any person required to deposit security under this article fails to deposit such security within ten days after the Commissioners have sent the notice as hereinbefore provided, the Commissioners shall thereupon suspend—

(1) the license of each driver in any manner involved in the accident;

(2) the registration of all vehicles owned by the owner of each vehicle of a type subject to registration under the laws of the District of Columbia involved in such accident;

(3) if the driver is a nonresident, the privilege of operating, within the District of Columbia, a vehicle of a type subject to registration under the laws of the District of Columbia; and

(4) if such owner is a nonresident, the privilege of such owner to operate or permit the operation within the District of Columbia of a vehicle of a type subject to registration under the laws of the District of Columbia.

Such suspensions shall be made in respect to persons not otherwise exempt under this Act who are required by the Commissioners to deposit security and who fail to deposit such security, except as otherwise provided under this Act.

SEC. 22. RELEASE FROM LIABILITY.—(a) A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident in the event he is released from liability by such other person.

(b) A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this article.

(c) In the event the Commissioners have evaluated the injuries or damage to any minor in an amount not more than \$200 the Commissioners may accept, for the purpose of this article only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of such minor without the approval of any court.

SEC. 23. ADJUDICATION OF NONLIABILITY.—A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim.

SEC. 24. AGREEMENTS FOR PAYMENT OF DAMAGES.—(a) Any two or more of the persons involved in or affected by an accident as described in section 16 may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any such persons because of bodily injury to or death or property damage arising from such accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the Commissioners.

(b) The Commissioners, to the extent provided by any such written agreement filed with them, shall not require the deposit of security and shall terminate any prior order of suspension, or if security has previously been deposited, the Commissioners shall return such security to the depositor or his personal representative, or pay such security to the depositor's assignee, as the case may be, when all payments required by such agreement have been made in full, when an amount equal to such security has been paid in accordance with such agreement, or when such security is assigned to the person injured or damaged as a result of said accident.

(c) In the event of a default in any payment under such agreement and upon notice of such default the Commissioners shall take action suspending the license or registration of such person in default as would be appropriate in the event of failure of such person to deposit security when required under this Act.

(d) Such suspension shall remain in effect and such license or registration shall not be restored unless and until the person in default has paid all payments then in default.

SEC. 25. PAYMENT UPON JUDGMENT.—The payment of a judgment arising out of an accident or the payment upon such judgment of an amount equal to the maximum amount which could be required for deposit under this article shall, for the purposes of this article, release the judgment debtor from the liability evidenced by such judgment.

SEC. 26. TERMINATION OF SECURITY REQUIREMENT.—The Commissioners, if satisfied as to the existence of any fact which under sections 22, 23, 24, and 25 would entitle a person to be relieved from the security requirements of this article, shall not require the deposit of security

by the person so relieved from such requirement and shall terminate any prior order of suspension in respect to such person, or if security has previously been deposited by such person, the Commissioners shall immediately return such deposit to such person or to his personal representative.

SEC. 27. DURATION OF SUSPENSION.—Unless a suspension is terminated under other provisions of this article, any order of suspension by the Commissioners under this article shall remain in effect and no license shall be renewed for or issued to any person whose license is so suspended and no registration shall be renewed for or issued to any person whose vehicle registration is so suspended until—

(1) such person shall deposit or there shall be deposited on his behalf the security required under this article; or

(2) one year shall have elapsed following the date of such suspension and evidence satisfactory to the Commissioners has been filed with them that during such period no action for damages arising out of the accident resulting in such suspension has been instituted.

An affidavit of the applicant that no action at law or damages arising out of the accident has been filed against him or, if filed, that it is not still pending shall be prima facie evidence of that fact. The Commissioners may take whatever steps are necessary to verify the statement set forth in any said affidavit.

SEC. 28. APPLICATION TO NONRESIDENTS, UNLICENSED DRIVERS, UNREGISTERED VEHICLES AND ACCIDENTS IN OTHER STATES.—(a) In case the driver or the owner of a vehicle of a type subject to registration under the laws of the District of Columbia involved in an accident within the District of Columbia has no license or registration in the District of Columbia, then such driver shall not be allowed a license, nor shall such owner be allowed to register any vehicle in the District of Columbia, until he has complied with the requirements of this article to the same extent that would be necessary if, at the time of the accident, he had held a license or been the owner of a vehicle registered in the District of Columbia.

(b) When a nonresident's operating privilege is suspended pursuant to section 21, the Commissioners shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the State in which such nonresident resides.

(c) Upon receipt of certification that the operating privilege of a resident of the District of Columbia has been suspended or revoked in any State pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the Commissioners to suspend a nonresident's operating privilege had the accident occurred in the District of Columbia, the Commissioners shall suspend the license of such resident if he was the driver, and all of his registrations if he was the owner of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such State relating to the deposit of such security.

The provisions of this subsection shall be applicable only to a certification from a State which by its laws has made provision for the suspension or revocation of the license and all registrations of a resident of such State for failure to deposit security for the payment of any judgment arising out of a motor vehicle accident in the District of Columbia, or for failure to make payment of an agreed amount with respect to all claims arising from such accident, in accordance with the provisions of this Act.

SEC. 29. **AUTHORITY OF COMMISSIONERS TO DECREASE AMOUNT OF SECURITY.**—The Commissioners may reduce the amount of security ordered in any case within six months after the date of the accident if in their judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith.

SEC. 30. **CORRECTION OF ACTION OF COMMISSIONERS.**—Whenever the Commissioners have taken any action or have failed to take any action under this article by reason of having received erroneous information or by reason of having received no information, then upon receiving correct information within one year after the date of an accident the Commissioners shall take appropriate action to carry out the purposes and effect of this Act. The foregoing shall not, however, be deemed to require the Commissioners to reevaluate the amount of any deposit required under this article.

SEC. 31. **DISPOSITION OF SECURITY.**—(a) Such security shall be applicable and available only—

(1) for the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit; or

(2) for the payment of a judgment or judgments, rendered against the person required to make the deposit for damages arising out of the accident in an action at law begun not later than one year after the deposit of such security.

(b) Every distribution of funds from the security deposits shall be subject to the limits of the Commissioners' evaluation on behalf of a claimant.

SEC. 32. **RETURN OF DEPOSIT.**—Upon the expiration of one year from the date of any deposit of security any security remaining or deposit shall be returned to the person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the Commissioners has been filed with them stating—

(1) that no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and

(2) that there does not exist any unpaid judgment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this article authorizing such return.

SEC. 33. **MATTERS NOT TO BE EVIDENCE IN CIVIL SUITS.**—The report required following an accident, the action taken by the Commissioners pursuant to this article, the findings, if any, of the Commissioners upon which such action is based, and the security filed as provided in this article, shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

ARTICLE V

PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

SEC. 34. **APPLICATION.**—The provisions of this Act requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons who have been convicted of or forfeited bail for certain offenses under motor vehicle laws or who have failed to pay judgments upon causes of

action arising out of ownership, maintenance, or use of vehicles of a type subject to registration under the laws of the District of Columbia.

SEC. 35. MEANING OF "PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE".—The term "proof of financial responsibility for the future" as used in this Act shall mean: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance, or use of a vehicle of a type subject to registration under the laws of the District of Columbia in the amount of \$10,000 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of \$20,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident. Wherever used in this Act the term "proof of financial responsibility" or "proof" shall be synonymous with the term "proof of financial responsibility for the future".

SEC. 36. MEANING OF "JUDGMENT" AND "STATE".—The following words and phrases when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section.

(a) The term "judgment" shall mean: Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any State, the District of Columbia, or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of any vehicle of a type subject to registration under the laws of the District of Columbia, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(b) The term "State" shall mean: Any State, Territory, or possession of the United States, or any province of the Dominion of Canada.

SEC. 37. PROOF REQUIRED UPON CERTAIN CONVICTIONS.—Whenever, under the law of the District of Columbia, the license of any person is suspended or revoked by reason of a conviction or forfeiture of bail in any of the following offenses:

- (1) Operating a motor vehicle while under the influence of any intoxicating liquor or narcotic drug;
- (2) Any homicide committed by means of a motor vehicle;
- (3) Leaving the scene of an accident in which the motor vehicle driven by him was involved and in which there is personal injury, without giving assistance or making known his identity and address and the identity and address of the owner of said vehicle;
- (4) Reckless driving involving personal injury; or
- (5) Any felony in the commission of which a motor vehicle is used;

the Commissioners shall suspend the registration of all vehicles registered in the name of such person as owner, except that (a) if such owner has previously given or shall immediately give and thereafter maintains proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, the Commissioners shall not suspend such registration unless otherwise required or permitted by law, and (b) if a conviction arose out of the operation, with permission, of a vehicle owned by or leased to the United States, a State, or a political subdivision of a State or a municipality thereof,

or the District of Columbia or any political subdivision thereof, the Commissioners shall not suspend the registration of any vehicle so owned or leased.

SEC. 38. SUSPENSION UNTIL PROOF FURNISHED.—The suspension or revocation hereinbefore required shall remain in effect and the Commissioners shall not issue to such person any new or renewal of license or register or reregister in the name of such person as owner of any such vehicle until permitted under the motor vehicle laws of the District of Columbia and not then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future.

SEC. 39. ACTION IN RESPECT TO UNLICENSED PERSON.—If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for driving a motor vehicle upon the highways without being licensed to do so, or for driving an unregistered vehicle upon the highways, no license shall be thereafter issued to such person and no such vehicle shall continue to be registered or thereafter be registered in the name of such person as owner unless he shall give and thereafter maintain proof of financial responsibility for the future.

SEC. 40. ACTION IN RESPECT TO NONRESIDENTS.—Whenever the Commissioners suspend or revoke a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

SEC. 41. WHEN COURTS TO REPORT NONPAYMENT OF JUDGMENTS.—Whenever any person fails within thirty days to satisfy any judgment, then upon the written request of the judgment creditor or his attorney it shall be the duty of the clerk of the court in which any such judgment is rendered within the District of Columbia to forward to the Commissioners immediately upon such request a certified copy of such judgment, which said certified copy shall be prima facie evidence of the facts therein stated.

SEC. 42. FURTHER ACTION WITH RESPECT TO NONRESIDENTS.—If the defendant named in any certified copy of a judgment reported to the Commissioners is a nonresident, the Commissioners shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registrations of the State of which the defendant is a resident.

SEC. 43. SUSPENSION FOR NONPAYMENT OF JUDGMENTS.—The Commissioners upon receipt of a certified copy of a judgment and a certificate of facts relative to such judgment, on a form provided by the Commissioners, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this Act.

SEC. 44. EXCEPTION IN RELATION TO GOVERNMENT VEHICLES.—The provisions of section 43 shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation with permission, of a vehicle owned by or leased to the United States, a State or any political subdivision thereof, the District of Columbia or any political subdivision of the District of Columbia.

SEC. 45. EXCEPTION WHEN CONSENT GRANTED BY JUDGMENT CREDITOR.—If the judgment creditor consents in writing, in such form as the Commissioners may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same

may be allowed by the Commissioners, in their discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in section 50, provided the judgment debtor furnishes proof of financial responsibility.

SEC. 46. EXCEPTION WHEN INSURER LIABLE.—No license, registration, or nonresident's operating privilege of any person shall be suspended under the provisions of this article if the Commissioners shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this Act, but has not paid such judgment for any reason. A finding by the Commissioners that an insurer is obligated to pay a judgment shall not be binding upon such insurer and shall have no legal effect whatever except for the purpose of administering this section. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay any such judgment, the Commissioners, notwithstanding any contrary finding theretofore made by them shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, as provided in section 43.

SEC. 47. SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND PROOF GIVEN.—Such license, registration and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in sections 45, 46, and 50 of this Act.

SEC. 48. DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this Act.

SEC. 49. PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS.—(a) Judgments herein referred to shall, for the purpose of this Act only, be deemed satisfied—

(1) when \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(2) when, subject to such limit of \$10,000 because of bodily injury to or death of one person, the sum of \$20,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) when \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(b) Payments made in settlements of any claims because of bodily injury, death, or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section.

SEC. 50. INSTALLMENT PAYMENT OF JUDGMENTS; DEFAULT.—(a) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) The Commissioners shall not suspend a license, registration, or nonresident's operating privilege, and shall restore any license, registration, or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installments is not in default.

SEC. 51. ACTION IF BREACH OF AGREEMENT.—In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the Commissioners shall forthwith suspend the license, registration, or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this Act.

SEC. 52. PROOF TO BE FURNISHED FOR EACH REGISTERED VEHICLE.—No vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility for the future unless such proof shall be furnished for such vehicle.

SEC. 53. ALTERNATE METHODS OF GIVING PROOF.—Proof of financial responsibility when required under this Act, with respect to such a vehicle or with respect to a person who is not the owner of such a vehicle, may be given by filing—

(1) a certificate of insurance as provided in section 54 or section 55; or

(2) a bond as provided in section 60; or

(3) a certificate of deposit of money or securities as provided in section 63; or

(4) a certificate of self-insurance, as provided in section 79; supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obliged to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer.

SEC. 54. CERTIFICATE OF INSURANCE AS PROOF.—Proof of financial responsibility for the future may be furnished by filing with the Commissioners the written certificate of any insurance carrier duly authorized to do business in the District of Columbia certifying that there is in effect a motor-vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor-vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all vehicles covered thereby unless the policy is issued to a person who is not the owner of a motor vehicle.

SEC. 55. CERTIFICATE FURNISHED BY NONRESIDENT AS PROOF.—A nonresident may give proof of financial responsibility by filing with the Commissioners a written certificate or certificates of an insurance carrier authorized to transact business in the State in which the vehicle, or vehicles, owned by such nonresident is registered, or in the State in which such nonresident resides, if he does not own a vehicle, provided such certificate otherwise conforms with the provisions of this Act, and the Commissioners shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

(1) Said insurance carrier shall execute a power of attorney authorizing the Commissioners to accept service on its behalf of notice or process in any action arising out of a motor-vehicle accident in the District of Columbia;

(2) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of the District of Columbia relating to the terms of motor-vehicle liability policies issued therein.

SEC. 56. **DEFAULT BY NONRESIDENT INSURER.**—If any insurance carrier not authorized to transact business in the District of Columbia, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the Commissioners shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

SEC. 57. **"MOTOR-VEHICLE LIABILITY POLICY" DEFINED.**—(a) **CERTIFICATION.**—A "motor-vehicle liability policy" as said term is used in this Act shall mean an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in section 54 or section 55 as proof of financial responsibility for the future, and issued, except as otherwise provided in section 55, by an insurance carrier duly authorized to transact business in the District of Columbia to or for the benefit of the person named therein as insured.

(b) **OWNER'S POLICY.**—Such owner's policy of liability insurance—

1. shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and

2. shall insure the person named therein and any other person as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle, as follows: \$10,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, \$20,000 because of bodily injury to or death of two or more persons in any one accident, and \$5,000 because of injury to or destruction of property of others in any one accident.

(c) **OPERATOR'S POLICY.**—Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) **REQUIRED STATEMENTS IN POLICIES.**—Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this act as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this Act.

(e) **POLICY NEED NOT INSURE WORKMEN'S COMPENSATION, ETC.**—Such motor-vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(f) **PROVISIONS INCORPORATED IN POLICY.**—Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The liability of the insurance carrier with respect to the insurance required by this act shall become absolute whenever injury or damage covered by said motor-vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

3. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision 2 of subsection (b) of this section.

4. The policy, the written application therefor, if any and any rider or endorsement which does not conflict with the provisions of this act shall constitute the entire contract between the parties.

(g) **EXCESS OR ADDITIONAL COVERAGE.**—Any policy which grants the coverage required for a motor-vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor-vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this Act. With respect to a policy which grants such excess or additional coverage the term "motor-vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(h) **REIMBURSEMENT PROVISION PERMITTED.**—Any motor-vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this Act.

(i) **PRORATION OF INSURANCE PERMITTED.**—Any motor-vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) **MULTIPLE POLICIES.**—The requirements for a motor-vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) **BINDERS.**—Any binder issued pending the issuance of a motor-vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

SEC. 58. NOTICE OF CANCELLATION OR TERMINATION OF CERTIFIED POLICY.—The Commissioners shall be notified of the cancellation or expiration of any motor-vehicle liability policy of insurance certified under the provisions of this article or of any surety or real estate bond at least ten days before the effective date of such cancellation or expiration. In the absence of such notice of cancellation or expiration said policy of insurance shall remain in full force and effect that any policy subsequently procured and certified shall on the effective date of its certification terminate the insurance previously certified with respect to any vehicle designated in both certificates. Upon receipt of such notice of cancellation or expiration the said Commissioners shall require other evidence of ability to respond in damages and upon failure to furnish the same before the effective date of such cancellation or expiration, the license and all of the registration certificates of the

person failing to comply herewith shall be suspended by the Commissioners and shall remain so suspended until such other evidence of ability to respond in damages shall have been given.

SEC. 59. ACT NOT TO AFFECT OTHER POLICIES.—(a) This Act shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of the District of Columbia, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this Act may be certified as proof of financial responsibility under this Act.

(b) This Act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of vehicles not owned by the insured.

SEC. 60. BOND AS PROOF.—Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within the District of Columbia, or a bond with at least two individual sureties each owning unencumbered real estate within the District of Columbia, and together having equities equal in value to at least twice the amount of the bond which real estate shall be scheduled in the bond approved by a judge of a court of record, which said bond shall be conditioned for payment of the amounts specified in section 35. Such bond shall be filed with the Commissioners and shall not be cancelable except after ten days' written notice to the Commissioners.

SEC. 61. WHEN BOND SHALL CONSTITUTE A LIEN.—Such bond shall constitute a lien in favor of the District of Columbia upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of service because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a vehicle of a type subject to registration under the laws of the District of Columbia after such bond was filed. Said bond shall be recorded by the principal named therein among the land records of the District of Columbia before the same is filed with the Commissioners. Recordation shall constitute notice as provided by statutes governing the recordation of liens on real estate.

SEC. 62. ACTION ON BOND.—If such a judgment, rendered against the principal on such bond, shall not be satisfied within thirty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense bring an action or actions in the name of the District of Columbia against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage on real estate.

SEC. 63. MONEY AS PROOF.—(a) Proof of financial responsibility may be evidenced by the certificate of the Commissioners that the person named therein has deposited with them the sum of \$25,000 in cash. The Commissioners shall not accept any such deposit and issue a certificate therefor unless such deposit is accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the locality where the depositor resides.

(b) The Commissioners may accept as a substitute for a deposit of money required herein other security under such conditions as they may establish.

SEC. 64. APPLICATION OF DEPOSIT.—Such deposit shall be used to satisfy in accordance with the provisions of this Act, any execution on a judgment issued against such person making the deposit for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of the District of Columbia after such deposit was made. Money so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

SEC. 65. OWNER MAY GIVE PROOF FOR OTHERS.—The owner of a motor vehicle may give proof of financial responsibility on behalf of his employee or a member of his immediate family or household in lieu of the furnishing of proof by any said person. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The Commissioners shall endorse appropriate restrictions on the face of the license held by such person, or may issue a new license containing such restrictions.

SEC. 66. SUBSTITUTION OF PROOF.—The Commissioners shall consent to the cancellation of any bond or certificate of insurance or return any money to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this Act.

SEC. 67. OTHER PROOF MAY BE REQUIRED.—Whenever any proof of financial responsibility filed under the provisions of this Act no longer fulfills the purposes for which required, the Commissioners shall, for the purpose of this Act, require other proof as required by this Act and shall suspend the license and registration pending the filing of such other proof.

SEC. 68. DURATION OF PROOF—WHEN PROOF MAY BE CANCELED OR RETURNED.—(a) The Commissioners shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the Commissioners shall return to the person entitled thereto any money deposited pursuant to this Act as proof of financial responsibility, or the Commissioners shall waive the requirement of filing proof, in any of the following events:

(1) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the Commissioners have not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or registration of the person by or for whom such proof was furnished; or

(2) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(3) In the event the person who has given proof surrenders his license and registration to the Commissioners.

(b) The Commissioners shall not consent to the cancellation of any bond or the return of any money in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money has within one year immediately preceding such request been involved as a driver or owner in any motor-vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of

his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Commissioners.

(c) Whenever any person whose proof has been canceled or returned under subsection (a) (3) of this section applies for a license or registration within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

ARTICLE VI

VIOLATION OF PROVISIONS OF ACT, PENALTIES

SEC. 69. TRANSFER OF REGISTRATION TO DEFEAT PURPOSE OF ACT PROHIBITED.—(a) If an owner's registration has been suspended hereunder, such registration shall not be transferred nor the vehicle in respect to which such registration was issued registered in any other name until the Commissioners are satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this Act.

(b) Nothing in this section shall in anywise affect the rights of any conditional vendor, chattel, mortgagee or lessor of such a vehicle registered in the name of another as owner who becomes subject to the provisions of this Act.

(c) The Commissioners shall suspend the registration of any vehicle transferred in violation of the provisions of this section.

SEC. 70. SURRENDER OF LICENSE AND REGISTRATION.—Any person whose license or registration shall have been suspended under any provision of this Act, or whose policy of insurance or bond, when required under this Act, shall have been canceled or terminated, shall immediately return his license and registration to the Commissioners. If any person shall fail to return to the Commissioners the license or registration as provided herein, the Commissioners shall forthwith direct any police officer to secure possession thereof and to return the same to the Commissioners.

SEC. 71. FAILURE TO REPORT ACCIDENT.—Failure to report a motor-vehicle accident or to furnish additional information as required under section 10, 12, or 13 shall be punished by a fine not in excess of \$100.

SEC. 72. ERRONEOUS REPORT AND OTHER OFFENSES.—Any person who gives information required in such report or otherwise required for such purpose knowing or having reason to believe that such information is false, or who shall forge, or, without authority, sign any evidence of proof of financial responsibility for the future, or who files or offers for filing any such evidence or proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than \$1,000 or imprisoned for not more than one year or both.

SEC. 73. OPERATING A MOTOR VEHICLE WHEN LICENSE OR REGISTRATION SUSPENDED OR REVOKED.—Any person whose license or registration has been suspended or revoked under this Act and who, during such suspension or revocation, drives any motor vehicle upon any highway or knowingly permits any vehicle of a type subject to registration under the law of the District of Columbia owned by such person to be operated by another upon any highway, except as permitted under this Act, shall be fined not more than \$500 or imprisoned not exceeding six months, or both.

SEC. 74. FAILURE TO RETURN LICENSE OR REGISTRATION.—Any person willfully failing to return license or registration as required in section 70 shall be fined not more than \$500 or imprisoned not to exceed thirty days, or both.

SEC. 75. PENALTY FOR OTHER VIOLATIONS.—Any person who shall violate any provision of this Act for which no penalty is otherwise provided shall be fined not more than \$500 or imprisoned not more than ninety days, or both.

SEC. 76. PROSECUTIONS.—All prosecutions for violations of this Act shall be in the Municipal Court for the District of Columbia, in the name of the District of Columbia, by the corporation counsel or any of his assistants.

ARTICLE VII

GENERAL PROVISIONS

SEC. 77. EFFECT OF HEADINGS.—Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.

SEC. 78. EXCEPTION IN RELATION TO VEHICLES INSURED UNDER OTHER LAWS.—Except for sections 10 and 65, this Act shall not apply with respect to any vehicle the owner of which has complied with the requirements of existing laws of the District of Columbia requiring insurance or other security on motor vehicles.

SEC. 79. SELF-INSURERS.—(a) Any person in whose name more than twenty-five vehicles are registered in the District of Columbia may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Commissioners as provided in subsection (b) of this section.

(b) The Commissioners may, in their discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(c) Upon not less than five days' notice and a hearing pursuant to such notice, the Commissioners may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

SEC. 80. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated out of the general fund of the District of Columbia such sums as may be necessary to carry out the provisions of this Act.

SEC. 81. EFFECT OF REORGANIZATION PLAN NUMBER 5.—Where any provision of this Act, or any amendment made by this Act, refers to an office or agency abolished by Reorganization Plan Number 5 of 1952, such reference shall be deemed to be the office, agency, or officer exercising the functions of the office or agency so abolished.

56 Stat. 324.
D. C. Code title 1
app.

SEC. 82. REPEAL OF EXISTING LAWS.—This Act shall in no respect be considered as a repeal of the Traffic Acts of the District of Columbia, except as specifically provided herein, but shall be construed as supplemental thereto.

D. C. Code 40-
401 note.

The Act of May 3, 1935 (49 Stat. 166, ch. 89; title 40, ch. 4, D. C. Code, 1951 edition), as amended, known as the Owners' Financial Responsibility Act of the District of Columbia, is hereby repealed except

with respect to any accident or judgment arising therefrom, or violation of the motor vehicle laws of the District of Columbia, occurring prior to the effective date of this Act.

SEC. 83. PAST APPLICATION OF ACT.—This Act shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor-vehicle laws of the District of Columbia, occurring prior to the effective date of this Act.

SEC. 84. ACT NOT TO PREVENT OTHER PROCESS.—Nothing in this Act shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

SEC. 85. UNIFORMITY OF INTERPRETATION.—This Act shall be so interpreted and construed as to effectuate its general purpose to make it uniform with similar laws enacted by the several States.

SEC. 86. CONSTITUTIONALITY.—If any part or parts of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act.

SEC. 87. EFFECTIVE DATE OF ACT.—This Act shall take effect one year after its enactment.

Approved May 25, 1954.

Public Law 366

CHAPTER 223

May 27, 1954
[S. 2120]

AN ACT

To authorize the Maine-New Hampshire Interstate Bridge Authority to reconstruct and improve the toll bridge, and the approaches thereto, across the Piscataqua River at Portsmouth, New Hampshire.

Piscataqua
River bridge,
Portsmouth, N. H.

Improvements,
etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing the Maine-New Hampshire Interstate Bridge Authority to construct, maintain, and operate a toll bridge across the Piscataqua River at or near Portsmouth, State of New Hampshire", approved July 28, 1937 (50 Stat. 535), is amended by inserting after section 4 thereof a new section as follows:

"SEC. 4A. In addition to the powers granted by the preceding sections of this Act, the authority is hereby authorized to reconstruct and to improve such bridge and its approaches and approach facilities. In fixing the rates of toll to be charged for the use of such bridge, the cost of any such reconstruction or improvement and the cost of acquiring the right of access to such approaches and approach facilities, including reasonable interest and financing costs and the financing costs and expenses incident to the refunding of the outstanding bridge revenue bonds of the authority, shall be deemed to be a part of the cost of such bridge and its approaches."

Approved May 27, 1954.

Public Law 367

CHAPTER 224

May 27, 1954
[H. R. 1433]

AN ACT

To entitle enlisted men and warrant officers advanced to commissioned rank or grade who are restored to their former enlisted or warrant officer status pursuant to section 3 of the Act of June 19, 1948 (62 Stat. 505), to receive retired enlisted or warrant officer pay from November 1, 1946, or date of advancement, to date of restoration to enlisted or warrant officer status.

Armed Forces.
Certain retired
pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That enlisted men and warrant officers heretofore advanced to commissioned rank or

grade on the retired list under the said Act of July 24, 1941, as amended, and who were restored to their former retired enlisted or warrant officer status, as the case may be, pursuant to section 3 of the Act approved June 19, 1948 (Public Law 709, Eightieth Congress), shall be entitled to receive enlisted or warrant officer retired pay as appropriate, from November 1, 1946, or from the date of advancement on the retired list, whichever date is the later, to the date on which they were so restored: *Provided*, That no such retired pay shall accrue to personnel mentioned in this section for periods during which such personnel received commissioned officer retired pay.

Approved May 27, 1954.

62 Stat. 505.
34 USC 993c.

Public Law 368

CHAPTER 225

AN ACT

To further amend the Act of May 26, 1948, entitled "An Act to establish Civil Air Patrol as a civilian auxiliary of the United States Air Force and to authorize the Secretary of the Air Force to extend aid to Civil Air Patrol in the fulfillment of its objectives, and for other purposes."

May 27, 1954
[H. R. 2274]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of May 26, 1948 (62 Stat. 274), as amended, is hereby further amended to read as follows:

Civil Air Patrol.
5 USC 626l.

"That the Civil Air Patrol is established as a volunteer civilian auxiliary of the Air Force. To assist the Civil Air Patrol in the fulfillment of its objectives as set out in section 2 of the Act of July 1, 1946 (60 Stat. 346), the Secretary of the Air Force is authorized, under such regulations as he may prescribe with the approval of the Secretary of Defense—

36 USC 202.

"(1) to furnish to the Civil Air Patrol from available stocks which are excess to the requirements of the Departments of the Army, Navy, and Air Force, without regard to the Federal Property and Administrative Services Act of 1949, as amended, by gift, loan, or sale (A) major items of equipment, including aircraft, motor vehicles, and communication equipment, and (B) necessary related supplies, materials, training aids, and other equipment;

63 Stat. 377.
40 USC 47, note.

"(2) to permit utilization of such services and facilities of the Air Force as in the opinion of the Secretary of the Air Force are required by the Civil Air Patrol to carry out its assigned mission;

"(3) to furnish to the Civil Air Patrol such quantities of fuel and lubricants as may be required by it for the purpose of carrying out those missions assigned by the Air Force;

"(4) to establish, maintain, supply and equip liaison officers of the Air Forces at the National, State, Territorial, and not more than eight regional, headquarters of the Civil Air Patrol, and to detail and assign military and civilian personnel of the Air Force to such offices;

Post, p. 485.

"(5) to detail military and civilian personnel of the Air Force to units and installations of the Civil Air Patrol to assist in the training program of the Civil Air Patrol; and

"(6) to authorize, in time of war or national emergency hereafter declared by the Congress or the President, payment of travel expenses and allowances, in accordance with the Travel Expense Act of 1949, for members of the Civil Air Patrol while engaged in carrying out any mission specifically assigned by the Air Force."

63 Stat. 166.
5 USC 835 note.

Approved May 27, 1954.

Public Law 369

CHAPTER 226

AN ACT

May 27, 1954
[H. R. 5862]

To authorize the Panama Canal Company to transfer the Canal Zone Corrosion Laboratory to the Department of the Navy.

Canal Zone
Corrosion Labora-
tory.
Transfer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Panama Canal Company is authorized to transfer to the Department of the Navy, without exchange of funds and for use as a laboratory for corrosion tests and related studies, all, or so much as may be mutually agreed upon, of the facilities, buildings, structures, improvements and test installations of the Panama Canal Company, comprising the Canal Zone Corrosion Laboratory at Miraflores, Canal Zone, and at the various test exposure sites in the Canal Zone and on Panama Canal Company property in the city of Colon, Republic of Panama.

Approved May 27, 1954.

Public Law 370

CHAPTER 227

AN ACT

May 27, 1954
[H. R. 7329]

To repeal section 1174 of the Revised Statutes, as amended, relating to the cooperation of medical officers with line officers in superintending cooking by enlisted men.

10 USC 104.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1174 of the Revised Statutes, as amended, is hereby repealed.

Approved May 27, 1954.

Public Law 371

CHAPTER 228

AN ACT

May 27, 1954
[H. R. 7328]

To promote the national defense by authorizing the construction of aeronautical research facilities by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research.

Aeronautical re-
search facilities.
Construction.
64 Stat. 418.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to subsection (b) of section 1 of Public Law 672, approved August 8, 1950 (50 U. S. C. 151b), the National Advisory Committee for Aeronautics is authorized to undertake additional construction, and to purchase and install additional equipment at the following locations:

Langley Aeronautical Laboratory, Hampton, Virginia: High-speed hydrodynamic facility, \$1,220,000.

Ames Aeronautical Laboratory, Moffett Field, California: Alterations to two small supersonic tunnels, \$349,000.

Lewis Flight Propulsion Laboratory, Cleveland, Ohio: Alterations to an existing supersonic tunnel, air dryer for propulsion systems laboratory, air heater for altitude test chambers, and rocket engine research facility, \$3,431,000.

Costs.

SEC. 2. Any of the approximate costs enumerated in section 1 of this Act may, in the discretion of the Director of the National Advisory Committee for Aeronautics, be varied upwards 5 per centum to meet unusual cost variations, but the total cost of all work so enumerated shall not exceed \$5,000,000.

SEC. 3. There are hereby authorized to be appropriated not to exceed \$5,000,000 to accomplish the purposes of this Act.

Approved May 27, 1954.

Appropriation.

Public Law 372

CHAPTER 240

JOINT RESOLUTION

Requiring the preparation of an estimate of the cost of reconstructing Ford's Theater in Washington, District of Columbia.

May 28, 1954
[S. J. Res. 69]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to cause a study to be made to determine the most appropriate treatment in order to preserve and interpret Ford's Theater in Washington, District of Columbia, as it was on April 14, 1865, including an estimate of the cost of reconstructing the stage, boxes, and scenic setting. This information shall be contained in a report, together with the Secretary's recommendations with respect thereto, to the Congress.

Ford's Theater,
Washington, D. C.

SEC. 2. The Secretary of the Interior in his report to the Congress also shall include an estimate of the cost of reinstalling the famous Oldroyd collection of relics in the Ford Theater Building or in another suitable museum building to be erected on land to be acquired immediately adjacent to the said Ford Theater Building.

Report.

Approved May 28, 1954.

Public Law 373

CHAPTER 241

AN ACT

To consolidate the Parker Dam power project and the Davis Dam project.

May 28, 1954
[H. R. 3598]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of effecting economies and increased efficiency in the construction, operation, and maintenance thereof and of accounting for the return of reimbursable costs, the Secretary of the Interior is authorized and directed to consolidate and administer as a single project to be known as the Parker-Davis project, Arizona-California-Nevada, the projects known as the Parker Dam power project, Arizona-California, and the Davis Dam project, Arizona-Nevada: *Provided*, That nothing in this Act shall be construed to alter or affect in any way the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774), or the treaty between the United States of America and the United Mexican States, signed at Washington on February 3, 1944, relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande from Fort Quitman, Texas, to the Gulf of Mexico: *Provided further*, That nothing in this Act shall be construed to alter or affect in any way any right or obligation of the United States or any other party under contracts heretofore entered into by the United States.

Parker-Davis
project, Arizona-
Calif.-Nev.

43 USC 617t.

43 USC 618c.

59 Stat. 1219.

SEC. 2. Funds heretofore appropriated for the Parker Dam power project, Arizona-California, and the Davis Dam project, Arizona-Nevada, shall be consolidated and shall be and remain available for the purposes for which they were appropriated.

Funds.

Approved May 28, 1954.

Public Law 374

CHAPTER 242

AN ACT

May 28, 1954
[H. R. 7893]

Making appropriations for the Treasury and Post Office Departments, Export-Import Bank of Washington, and Reconstruction Finance Corporation for the fiscal year ending June 30, 1955, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Treasury, Post
Office, Export-
Import Bank, and
RFC appropria-
tions, 1955.
Treasury Depart-
ment Appropriation
Act, 1955.

TITLE I—TREASURY DEPARTMENT

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department for the fiscal year ending June 30, 1955, namely:

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; and the purchase of uniforms for elevator operators; \$2,600,000.

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Accounts, \$2,548,700: *Provided*, That Federal Reserve banks and branches may be reimbursed for necessary expenses incident to the deposit of taxes in Government depositories.

SALARIES AND EXPENSES, DIVISION OF DISBURSEMENT

For necessary expenses of the Division of Disbursement, \$14,500,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt or currency issues of the United States, \$44,997,300, to be expended as the Secretary of the Treasury may direct, and the Secretary is authorized to accept services without compensation: *Provided*, That Federal Reserve banks and branches may be reimbursed for expenditures as fiscal agents of the United States on account of public-debt transactions for the account of the Secretary of the Treasury: *Provided further*, That the indefinite appropriation provided by section 10 of the Second Liberty Bond Act, as amended (31 U. S. C. 760), shall not be available for obligation during the current fiscal year.

40 Stat. 292.

OFFICE OF THE TREASURER

SALARIES AND EXPENSES

For necessary expenses of the Office of the Treasurer, \$15,499,000: *Provided*, That Federal Reserve banks and branches may be reimbursed for necessary expenses incident to the verification and destruction of unfit United States paper currency.

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Customs, including expenses of attendance at meetings of organizations concerned with the purposes of this appropriation; purchase of fifty passenger motor vehicles for replacement only; arms and ammunition; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and, awards of compensation to informers as authorized by the Act of August 13, 1953 (22 U. S. C. 401); \$39,996,300.

60 Stat. 810.

67 Stat. 577.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, including expenses, when specifically authorized by the Commissioner, of attendance at meetings of organizations concerned with internal-revenue matters; purchase (not to exceed one hundred for replacement only) and hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner; and ammunition; \$265,912,000: *Provided*, That not to exceed \$400,000 of the amount appropriated herein shall be available for expenses by contract for private facilities and instruction for training of employees under such regulations as may be prescribed by the Secretary of the Treasury.

60 Stat. 810.

BUREAU OF NARCOTICS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Narcotics, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); hire of passenger motor vehicles; arms and ammunition; and not to exceed \$10,000 for services or information looking toward the apprehension of narcotic law violators who are fugitives from justice; \$2,770,000.

60 Stat. 810.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed ten for replacement only) and hire of passenger motor vehicles; and arms and ammunition; \$2,438,000.

SALARIES AND EXPENSES, WHITE HOUSE POLICE

For necessary expenses of the White House Police, including uniforms and equipment, and arms and ammunition, purchases to be made in such manner as the President may determine, \$712,000.

SALARIES AND EXPENSES, GUARD FORCE

For necessary expenses of the guard force for Treasury Department buildings in the District of Columbia, including purchase, repair, and cleaning of uniforms; and arms and ammunition; \$268,000.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint, including arms and ammunition; purchase and maintenance of uniforms and accessories for guards; and not to exceed \$1,000 for the expenses of the annual assay commission; \$4,450,000.

COAST GUARD

OPERATING EXPENSES

60 Stat. 810. For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase of not to exceed thirty-two passenger motor vehicles for replacement only; maintenance, operation, and repair of aircraft; and recreation and welfare; \$155,889,300: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and twenty-six exclusive of planes and parts stored to meet future attrition: *Provided further*, That (a) the unobligated balance of appropriation to the Coast Guard for the fiscal year 1954 for "Operating expenses" shall be transferred on July 1, 1954, to the account established by the Surplus Fund-Certified Claims Act of 1949 for payment of certified claims; (b) amounts equal to the unliquidated obligations on July 1, 1954, against the appropriation "Operating expenses", fiscal year 1954, and the appropriation for "Operating expenses" for the fiscal year 1953 which was merged therewith pursuant to the Treasury Department Appropriation Act, 1954, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation, but on July 1, 1955, there shall be transferred from such merged appropriation to the appropriation for payment of certified claims (1) any remaining unexpended balance of the 1953 appropriation so transferred, and (2) any remaining unexpended balance of the 1954 appropriation so transferred which is in excess of the obligations then remaining unliquidated against such appropriation: *Provided further*, That except as otherwise authorized by the Act of September 30, 1950 (20 U. S. C. 236-244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States in amounts not exceeding an average of \$250 per student, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and the Coast Guard may provide for the transportation of said dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation.

Transfer of funds. 63 Stat. 407, 31 USC 712 a note. 67 Stat. 69. 64 Stat. 1100.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

60 Stat. 810. For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$3,000,000, to remain available until expended: *Provided*, That the Secretary may transfer into this appropriation not to exceed \$2,000,000 from

Transfer of funds.

other Coast Guard appropriations for the replacement of one additional seaplane, such funds transferred to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor incurred during prior fiscal years, and payments under the Uniformed Services Contingency Option Act of 1953, \$19,775,000.

67 Stat. 501.
37 USC 371 note.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law (14 U. S. C. 751-762; 37 U. S. C. 231-319), including expenses for regular personnel, or reserve personnel while on active duty, engaged primarily in administration of the reserve program; and the maintenance, operation, and repair of aircraft; \$2,500,000: *Provided*, That (a) the unobligated balance of appropriation to the Coast Guard for the fiscal year 1954 for "Reserve training" shall be transferred on July 1, 1954, to the account established by the Surplus Fund-Certified Claims Act of 1949 for payment of certified claims; (b) amounts equal to the unliquidated obligations on July 1, 1954, against the appropriation "Reserve training", fiscal year 1954, and the appropriation "Reserve training", fiscal year 1953 which was merged therewith pursuant to the Treasury Department Appropriation Act, 1953, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation, but on July 1, 1955, there shall be transferred from such merged appropriation to the appropriation for payment of certified claims (1) any remaining unexpended balance of the 1953 appropriation so transferred and (2) any remaining unexpended balance of the 1954 appropriation so transferred which is in excess of the obligations then remaining unliquidated against such appropriation.

63 Stat. 551, 804.

63 Stat. 407.
31 USC 712 a
note.

66 Stat. 292.

SEC. 102. This title may be cited as the "Treasury Department Appropriation Act, 1955".

Citation of title.

TITLE II—POST OFFICE DEPARTMENT

Post Office Department Appropriation Act, 1955.

For administration and operation of the Post Office Department and the postal service, there is hereby appropriated the aggregate amount of postal revenues for the fiscal year ending June 30, 1955, as authorized by law (39 U. S. C. 786, 794a), together with an amount from any money in the Treasury not otherwise appropriated, equal to the difference between such revenues and the total of the appropriations hereinafter specified and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General, for the following purposes, namely:

64 Stat. 461.

CURRENT AUTHORIZATIONS OUT OF POSTAL SERVICE FUND

ADMINISTRATION

For expenses, not otherwise provided for, necessary for administration of the postal service, operation of the inspection service, and the conduct of a research and development program, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a);

60 Stat. 810.

59 Stat. 603.

management studies; not to exceed \$25,000 for miscellaneous and emergency expenses; rewards for information and services concerning violations of postal laws and regulations, current and prior fiscal years, in accordance with regulations of the Postmaster General in effect at the time the services are rendered or information furnished; and expenses of delegates designated by the Postmaster General to attend meetings and congresses for the purpose of making postal arrangements with foreign governments pursuant to law, and not to exceed \$6,000 of such expenses to be accounted for solely on the certificate of the Postmaster General; and not to exceed \$20,000 for rewards for information, as provided for herein, shall be paid in the discretion of the Postmaster General and accounted for solely on his certificate; and settlement of claims, pursuant to law, current and prior fiscal years, for damages, and for losses resulting from unavoidable casualty (39 U. S. C. 49) ; \$19,491,100.

OPERATIONS

For expenses necessary for the operation and administration of post offices, not otherwise provided for, and for other activities conducted by the Post Office Department pursuant to law, \$1,899,776,000: *Provided*, That not to exceed 5 per centum of any appropriation available to the Post Office Department for the current fiscal year may be transferred, with the approval of the Bureau of the Budget, to any other such appropriation or appropriations; but the appropriation "Administration" shall not be increased by more than \$2,000,000 as a result of such transfers: *Provided further*, That functions financed by the appropriations available to the Post Office Department for the current fiscal year and the amounts appropriated therefor, may be transferred, in addition to the appropriation transfers otherwise authorized in this Act and with the approval of the Bureau of the Budget, between such appropriations to the extent necessary to improve administration and operations.

TRANSPORTATION

For expenses necessary for the administration and operation of the postal transportation service, including payments for transportation of domestic and foreign mails by air, land, and water transportation facilities, including current and prior fiscal years settlements with foreign countries for handling of mail; \$702,219,000: *Provided*, That the Post Office Department shall report not less than once every three months to the Committees on Appropriations of the Senate and House of Representatives all substantial transportation changes, such report to include the total cost of the eliminated and replacement service for airline, truck, and railroad transportation.

FINANCE

For expenses necessary for the administration of the financial services of the Post Office Department, including the procurement of stamps and accountable paper; \$8,501,000.

FACILITIES

For expenses necessary for the administration and operation of postal facilities, buildings, vehicles, and field postal communication service: procurement of postal supplies and equipment; storage and repair of vehicles owned by, or under control of, units of the National

Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the postal service; \$124,890,000.

GENERAL PROVISIONS—POST OFFICE DEPARTMENT

SEC. 201. Appropriations made in this title shall be available for expenditures in connection with accident prevention.

Accident prevention.

SEC. 202. Appropriations made in this title available for expenses of travel shall be available, under regulations prescribed by the Postmaster General, for expenses of attendance at meetings of technical, scientific, professional, or other similar organizations concerned with the function or activity for which the appropriation concerned is made.

Travel expenses.

SEC. 203. During the current fiscal year, and under such regulations as may be prescribed by the Postmaster General, not to exceed an aggregate of \$100,000 shall be available from any funds available to the Post Office Department, as may be determined by him, for expenses necessary to enable the Department to participate in Federal or non-Federal training programs and for necessary expenses of training officers and employees (both departmental and field postal services) in such subjects or courses of instruction in either Federal or non-Federal facilities as will contribute to the improved performance of their official duties: *Provided*, That not more than forty-five of such officers and employees may participate in any training program in a non-Federal facility which is of more than ninety days duration.

Training programs.

SEC. 204. Hereafter, indemnities for the loss of or damage to registered, insured and collect-on-delivery mail and the expense of manufacturing embossed stamped envelopes (printed or unprinted) shall be paid from postal revenues.

Lost or damaged mail, etc.

SEC. 205. Hereafter, money orders shall be paid from the receipts representing the face value of money orders heretofore or hereafter issued.

Money orders.

SEC. 206. Not exceeding \$5,000,000 of appropriations in this title shall be available for payment to the General Services Administration of such additional sums as may be necessary for the repair, alteration, preservation, renovation, improvement, and equipment of federally owned property used for postal purposes of which not to exceed \$4,000,000 shall be available for improved lighting, color, and ventilation for the specialized conditions in workroom areas.

Property improvement.

SEC. 207. This title may be cited as the "Post Office Department Appropriation Act, 1955".

Citation of title.

TITLE III—GOVERNMENT CORPORATIONS

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1955 for such corporation, except as hereinafter provided:

Export-Import Bank of Washington and Reconstruction Finance Corporation Appropriation Act, 1955.

61 Stat. 584.
31 USC 849.

EXPORT-IMPORT BANK OF WASHINGTON

LIMITATION ON EXPENSES

60 Stat. 810.

Not to exceed \$1,070,000 (to be computed on an accrual basis) of the funds of the Export-Import Bank of Washington shall be available during the current fiscal year for all administrative expenses of the bank, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the bank or in which it has an interest including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, shall be considered as nonadministrative expenses for the purposes hereof.

RECONSTRUCTION FINANCE CORPORATION

61 Stat. 584.
31 USC 849.

The Treasury Department is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to it from Reconstruction Finance Corporation activities, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1955 for each such activity, except as hereinafter provided:

ADMINISTRATIVE EXPENSES OF LIQUIDATING THE RECONSTRUCTION
FINANCE CORPORATION64 Stat. 1257.
50 USC app.
2261.

Definition.

Not to exceed \$3,500,000 (to be computed on an accrual basis) of the funds derived from Reconstruction Finance Corporation activities (except those conducted under Section 409 of the Federal Civil Defense Act of 1950), shall be available during the current fiscal year for administrative expenses incident to the liquidation of said Corporation, including use of the services and facilities of the Federal Reserve banks: *Provided*, That as used herein the term "administrative expenses" shall be construed to include all salaries and wages, services performed on a contract or fee basis, and travel and other expenses, including the purchase of equipment and supplies, of administrative offices: *Provided further*, That the limiting amount heretofore stated for administrative expenses shall be increased by an amount which does not exceed the aggregate cost of salaries, wages, travel, and other expenses of persons employed outside the continental United States; the expenses of services performed on a contract or fee basis in connection with the termination of contracts or in the performance of legal services, and all administrative expenses reimbursable from other Government agencies: *Provided further*, That the distribution of administrative expenses to the accounts of the Corporation shall be made in accordance with generally recognized accounting principles and practices.

Not to exceed \$50,000 of the funds available pursuant to section 409 of the Federal Civil Defense Act of 1950 (50 U. S. C. App. 2261), shall be available during the current fiscal year for administrative expenses necessary to carry out the functions, powers, duties, and authority of the Treasury Department under said section.

SEC. 301. This title may be cited as the Export-Import Bank of Washington, and Reconstruction Finance Corporation Appropriation Act, 1955.

Citation of title.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Strikes or overthrow of Government.

Affidavit.

Penalty.

Approved May 28, 1954.

Public Law 375

CHAPTER 243

AN ACT

To authorize the Secretary of the Interior to grant a preference right to users of withdrawn public lands for grazing purposes when the lands are restored from the withdrawal.

May 28, 1954
[H. R. 6186]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Taylor Grazing Act (43 U. S. C., 1946 edition, sec. 315 (m)) is amended by adding the following proviso: "*Provided further*, That when public lands are restored from a withdrawal, the Secretary may grant an appropriate preference right for a grazing lease, license, or permit to users of the land for grazing purposes under authority of the agency which had jurisdiction over the lands immediately prior to the time of their restoration."

Grazing lands.
Preference rights.
49 Stat. 1978.
43 USC 315m.

SEC. 2. The first sentence of section 1 of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976, 43 U. S. C., 1946 edition, sec. 315), is further amended by striking out the following language: "not exceeding in the aggregate an area of one hundred and forty-two million acres".

Approved May 28, 1954.

Public Law 376

CHAPTER 244

AN ACT

May 28, 1954
[H. R. 6870]

To amend the Act of February 13, 1900 (31 Stat. 28), by approving existing railway installations and authorizing further railway installations on the batture in front of the Public Health Service hospital property in New Orleans, Louisiana.

New Orleans,
La.
Public Health
Service hospital.

Moving of line of
levee.

Extension of
street through
hospital property.

Limitations on
use.

Location of inner
line, etc.

Public Belt
Railroad Com-
mission rail facil-
ities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of Congress approved February 13, 1900 (31 Stat. 28), granting permission and authority to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the Public Health Service hospital property in New Orleans, Louisiana, and for other purposes, be amended so as to read as follows:

"SECTION 1. (a) That permission and authority be, and they are hereby, granted to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the United States Public Health Service hospital property in New Orleans, Louisiana, in the square bounded by State Street, Henry Clay Avenue, Tchoupitoulas Street, and the Mississippi River; said line of levee to be moved outwardly in the direction of said river to the new line of levee established by the said Orleans levee board, and that the city of New Orleans be, and it is hereby, authorized to extend, lay out, open, and to keep open, through the said Public Health Service hospital property, the street known as Leake Avenue (Front Street), one hundred and ten feet wide, extending from Peniston Street to the upper limits of the city of New Orleans, a distance of about five miles, as provided for under ordinance of the city of New Orleans, numbered fifteen thousand and eighty, council series, approved March first, eighteen hundred and ninety-nine: *Provided*, That in case the said city of New Orleans has granted, or shall grant, a right-of-way over said street to any railway company, corporation, firm, or person, or that said street shall be used for railway purposes, such grant, privilege, or use shall be upon condition that no part of said street within the limits of said Public Health Service hospital property (or within one thousand feet from the same) shall be used for depot purposes, or railroad yard, or for the purposes of switching, shifting, or parking cars, or making up or breaking up trains of cars, or for any other purpose than the ordinary transit, without stopping, of railway trains excepting, however, the stopping of cars by reason of the automatic interlocking located at the intersection of the tracks of the Illinois Central Railroad and the Public Belt Railroad Commission between Jefferson Avenue and Octavia Street when the crossing is occupied by opposing trains: *And provided further*, That the inner line of said Leake Avenue (Front Street) shall not be located at any point nearer than eight feet to the present iron fence enclosing the grounds of said Public Health Service hospital property; and the violation of any of the provisions of this Act shall, as to the person, company, railway company, municipal corporation, or other corporation so violating any of said provisions, cause a revocation of all rights and privileges given or granted by this Act.

"(b) The existing railway side tracks and related rail facilities of the Public Belt Railroad Commission, the following described center lines of which are located within the area set forth in paragraph (a) hereof are hereby approved: as shown on Public Belt Railroad Plan No. A-14-57, revised July 6, 1953.

"(1) A certain track designated as 'Old Mengel Switch', beginning at a point designated 'E' approximately fifteen feet riverward from Public Belt river main track, said point 'E' being one thousand feet in an upstream direction from the northeast corner of Henry Clay Avenue and Leake Avenue; thence by a line bearing approximately south forty-

two degrees east, a distance of approximately forty-seven feet; thence by a twelve degree thirty minute curve to the left, a distance of approximately eighty feet; thence by a line approximately twenty-six feet riverward from and parallel to Public Belt river main track bearing approximately south fifty degrees east, a distance of approximately three hundred feet to point designated 'F', the end of the existing track, said point 'F' being approximately six hundred feet from the northeast corner of Henry Clay Avenue and Leake Avenue, measured along a straight line.

"(2) A certain track designated as 'number 1', beginning at a point designated by the letter 'G', said point 'G' being on Public Belt river main track at a distance of approximately two hundred and seventy-eight feet upstream from the northwest corner of State Street and Leake Avenue, measured along a straight line; thence by a number 7 turnout and curve to the right, a distance of approximately ninety feet in a downstream direction; thence by a ten degree curve to the left, a distance of approximately two hundred and thirty feet in a downstream direction; thence by a line bearing approximately north eighty-nine degrees east, thirteen feet riverward from and parallel to Public Belt river main track, a distance of approximately nine hundred and sixty-five feet to point designated 'H', said point 'H' being one thousand feet in a downstream direction from northwest corner of State Street and Leake Avenue, measured along a straight line.

"(3) A certain track designated as 'number 2', beginning at a point designated 'J', said point designated 'J' being on track number 1 approximately five hundred and thirty feet downstream from the northwest corner of State Street and Leake Avenue, measured along a straight line; thence by a number 7 turnout to the right, a distance of approximately seventy feet; thence by a line bearing approximately south eighty-two degrees east, a distance of approximately forty-eight feet; thence by a twenty-four degree thirty minute curve to the left, a distance of approximately forty-five feet; thence by a line approximately sixteen feet riverward from and parallel to track number 1 bearing approximately north eighty-nine degrees east, a distance of approximately two hundred feet; thence by a twenty-four degree thirty minute curve to the right, a distance of approximately sixty feet; thence by a line bearing approximately south seventy-nine degrees east, a distance of approximately fifty feet to point designated 'K', said point designated 'K' being one thousand feet downstream from the northwest corner of State Street and Leake Avenue, measured along a straight line.

"(4) A certain track designated as 'track number 3', beginning at a point designated by the letter 'L', said point 'L' being on aforesaid track number 2, at a point approximately eight hundred and twenty feet in a downstream direction from the northwest corner of State Street and Leake Avenue, measured along a straight line; thence by a number 5 turnout to the right, a distance of approximately fifty feet; thence by a line bearing approximately south seventy-nine degrees east, a distance of one hundred and twenty-five feet to a point designated 'M', said point 'M' being one thousand feet in a downstream direction from the northwest corner of State Street and Leake Avenue, measured along a straight line.

"(5) A certain track designated as 'track number 4', beginning on track number 2 at a point designated by the letter 'N', said point 'N' being approximately seven hundred and fifty-six feet downstream from the northwest corner of State Street and Leake Avenue, measured along a straight line; thence by a number 5 turnout to the right, a distance of approximately fifty feet; thence by a line bearing approximately south seventy-nine degrees east, a distance of approxi-

mately one hundred and ninety-two feet to point designated 'O', said point 'O' being one thousand feet in a downstream direction from the northwest corner of State Street and Leake Avenue, measured along a straight line.

"(6) A certain track designated as 'track number five', beginning at a point on track number 2, designated by the letter 'P', said point 'P' being approximately six hundred and ninety feet in a downstream direction from the northwest corner of State Street and Leake Avenue, measured along a straight line; thence by a number 5 turnout to the right, a distance of approximately fifty feet; thence by a line bearing approximately south seventy-nine degrees east, a distance of approximately two hundred and fifty-eight feet to point designated 'Q', said point 'Q' being one thousand feet in a downstream direction from the northwest corner of State Street and Leake Avenue, measured along a straight line.

"(7) A certain track designated as 'track number six', beginning at a point on track number 1, designated by the letter 'R', said point 'R' being approximately one hundred and thirty feet from the northwest corner of State Street and Leake Avenue, measured in a southwesterly direction along a straight line; thence by a number 7 turnout to the right, a distance of approximately eighty feet in a downstream direction, thence by a ten degree curve to the left, a distance of approximately one hundred and thirty-eight feet; thence by a line approximately eighteen feet riverward from and parallel to track number 1 bearing approximately north eighty-nine degrees east, a distance of approximately three hundred and seventy feet; thence by a twelve degree thirty minute curve to the right a distance of approximately sixty-five feet; thence by a line bearing approximately south eighty-two degrees east, a distance of approximately three hundred twelve feet; thence by an eight degree curve to the right, a distance of approximately eighty-three feet; thence by a line bearing approximately south seventy-seven degrees east, a distance of approximately forty-two feet to point designated 'S', said point 'S' being one thousand feet in a downstream direction from the northwest corner of State Street and Leake Avenue, measured along a straight line.

"(8) A certain track designated as 'track number seven', beginning at a point on track number 6, designated by the letter 'T', said point 'T' being approximately one hundred and thirty feet from the northwest corner of State Street and Leake Avenue, measured in a southeasterly direction along a straight line; thence by a number 7 turnout to the right, a distance of approximately ninety-two feet; thence by a twelve degree thirty minute curve to the left, a distance of approximately seventy-nine feet; thence by a line thirteen feet riverward from and parallel to track number 1, bearing approximately north eighty-nine degrees east, a distance of approximately two hundred and sixty feet; thence by a twelve degree thirty minute curve to the right, a distance of approximately sixty-three feet; thence by a line thirteen feet riverward from and parallel to track number 6 bearing south eighty-two degrees east, a distance of approximately two hundred and twenty feet; thence by an eight degree curve to the right, a distance of approximately eighty-five feet; thence by a line approximately nineteen feet riverward from and parallel to track number 6 bearing approximately south seventy-seven degrees east, a distance of approximately one hundred and twenty-eight feet to a point designated 'U', said point 'U' being one thousand feet in a downstream direction from the northwest corner of State Street and Leake Avenue, measured along a straight line.

Installation of
tracks.

"(c) The Public Belt Railroad Commission is authorized to install two railway tracks and related railway facilities to serve the proposed

Nashville Avenue wharf within the area described in paragraph (a) hereof, the center lines of which railway tracks are substantially as hereinafter described: *Provided*, That (1) the type of construction and elevation of all tracks crossing the main line Mississippi River levee shall be subject to approval by the Corps of Engineers, United States Army, and (2) the switching of cars for the purpose of servicing the proposed Nashville Avenue wharf shall be permitted only between the hours of 6 o'clock antemeridian and 8 o'clock postmeridian.

Approval of
track construction,
etc.

"(1) Beginning at the end of the existing Old Mengel Switch at point designated 'F', said point 'F' being approximately six hundred feet upstream from the northeast corner of Henry Clay Avenue and Leake Avenue, measured along a straight line; thence by a line bearing approximately south fifty degrees east, a distance of approximately three hundred and twenty feet; thence by a three degree curve to the left, a distance of approximately one hundred and eighteen feet; thence by a line bearing approximately south fifty-four degrees east, a distance of approximately one thousand two hundred and seventy feet; thence by a twelve degree thirty minute curve to the left, a distance of approximately one hundred and seventy feet; thence by a line bearing approximately south seventy-five degrees east, a distance of approximately ninety-two feet; thence by a twelve degree thirty minute curve to the left, a distance of approximately sixty-six feet; thence by a line seven feet cityward from and parallel to the rear apron of the proposed Nashville Avenue wharf, bearing approximately south eighty-three degrees east, a distance of approximately six hundred and forty feet to a point designated 'V', said point 'V' being one thousand feet in a downstream direction from the northwest corner of State Street and Leake Avenue, measured along a straight line.

"(2) Beginning at a point on the proposed track to serve proposed Nashville Avenue wharf, previously described, at a point designated by the letter 'W', said point 'W' being approximately six hundred feet from the northwest corner of Leake Avenue and State Street, measured in a southerly direction along a straight line; thence by a number 7 turnout to the left, a distance of approximately eighty feet; thence by a line twenty feet cityward from and parallel to the rear apron of the proposed Nashville Avenue wharf bearing approximately south eighty-three degrees east, a distance of approximately seven hundred and twenty-five feet to a point designated 'X', said point 'X' being one thousand feet in a downstream direction from the northwest corner of State Street and Leake Avenue, measured along a straight line."

Approved May 28, 1954.

Public Law 377

CHAPTER 245

AN ACT

To authorize the Secretaries of Agriculture and Interior to transfer, exchange, and dispose of land in the Eden project, Wyoming, and for other purposes.

May 28, 1954
[H. R. 7057]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assure the most beneficial application of the available water supply to lands within the Eden project, Wyoming, established pursuant to the provisions of the item entitled "Water Conservation and Utility Projects" in the Interior Department Appropriation Act of May 10, 1939 (53 Stat. 685, 719), as amended, including the Act of June 28, 1949 (63 Stat. 277), and to facilitate land settlement and land use:

Eden project,
Wyo.
Transfer of
lands, etc.

(a) The Secretary of the Interior is hereby authorized, in his discretion and when the public interest will be benefited thereby—

(1) to exchange public lands in the State of Wyoming, within or without the boundaries of the project, for non-Federal lands of approximately equal value within the exterior boundaries of the project which are adaptable for use in the construction, operation, or maintenance of project irrigation facilities;

(2) upon concurrence of the Secretary of Agriculture, to transfer to the jurisdiction of the Secretary of Agriculture public lands within the exterior boundaries of the project which are suitable for development and settlement; and

(3) for the purpose of consolidating Federal holdings of lands in the project, upon concurrence of the Secretary of Agriculture, to exchange public lands in the State of Wyoming, within or without the boundaries of the project, for non-Federal lands of approximately equal value within the exterior boundaries of the project which are suitable for development and, upon consummation of such exchange, the lands received in exchange shall thereupon become a part of the project and subject to the jurisdiction of the Secretary of Agriculture.

(b) The Secretary of Agriculture is hereby authorized and directed—

(1) when in his judgment the public interests will be benefited thereby, to exchange lands under his jurisdiction within the exterior boundaries of the project for non-Federal lands of approximately equal value within the boundaries of the project which he finds are suitable for project development and settlement; and

(2) upon concurrence of the Secretary of the Interior, to transfer to the jurisdiction of the Secretary of the Interior lands or interests in lands which are adaptable for use in the construction, operation, or maintenance of project irrigation facilities, or are unsuited for incorporation into farm units and are surplus to the needs of the project.

(c) (1) The lands transferred to the jurisdiction of the Secretary of Agriculture under the provisions of section (a) (2) and received in exchange under the provisions of sections (a) (3) and (b) (1) shall be developed, settled, disposed of and otherwise administered in the same manner as acquired project lands; and (2) the lands transferred to the jurisdiction of the Secretary of the Interior under the provisions of section (b) (2) shall be administered under the public land laws, excepting lands transferred for use in the construction, operation, or maintenance of project irrigation facilities which, together with the lands received in exchange under the provisions of section (a) (1), shall be administered by the Secretary of the Interior in all respects the same as other project lands under his jurisdiction.

Approved May 28, 1954.

Public Law 378

CHAPTER 246

AN ACT

May 28, 1954
[H. R. 2696]

To provide a method of paying certain unsettled claims for damages sustained as a result of the explosions at Port Chicago, California, on July 17, 1944, in the amounts found to be due by the Secretary of the Navy.

Port Chicago,
Calif.
Settlement of
claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of effecting the settlement of those claims against the United States resulting from the explosions which occurred at the naval ammunition depot at Port Chicago, California, on July 17, 1944, which have not

been settled by the Secretary of the Navy, the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, in full settlement of all such claims, the respective sums found to be due in the reports of the Secretary of the Navy to Congress dated November 26, 1951, and November 12, 1952, submitted pursuant to Public Law 637, Eightieth Congress (62 Stat. 389): *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved May 28, 1954.

Public Law 379

CHAPTER 249

AN ACT

To revise certain laws relating to warrant officers of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and for other purposes.

May 29, 1954
[H. R. 6374]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Warrant Officer Act of 1954".

Warrant Officer
Act of 1954.

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term "Secretary", unless otherwise qualified, means the Secretary of the Army, with respect to the Army; the Secretary of the Navy, with respect to the Navy and Marine Corps, and the Coast Guard when it is operating as a service in the Navy; the Secretary of the Air Force, with respect to the Air Force; and the Secretary of the Treasury, with respect to the Coast Guard when it is operating as a service in the Treasury Department.

(b) The term "warrant officer", unless otherwise qualified, means an officer who holds a warrant or a commission in a permanent or temporary warrant officer grade in the Army, Navy, Air Force, Marine Corps, or Coast Guard, including any component thereof.

(c) The term "date of a failure of selection for promotion" unless otherwise qualified, is that date on which the Secretary approves the report of the board under section 10 (b) of this Act, or the date upon which the name of the officer concerned is removed from a recommended list under section 10 (c) of this Act, or the date prescribed by the Secretary under section 12 of this Act, as appropriate.

(d) The term "active service" means active service as defined in section 511 of the Career Compensation Act of 1949.

63 Stat. 829.
37 USC 311.

ESTABLISHMENT OF GRADES OF WARRANT OFFICERS

SEC. 3. (a) Warrant officer grades, as prescribed in the following table, are hereby established in the Army, Navy, Air Force, Marine Corps, and Coast Guard. These warrant officer grades shall correspond to the various pay grades prescribed for warrant officers by section 201 (a) of the Career Compensation Act of 1949 (63 Stat. 802, 806), as amended, in accordance with the following table:

37 USC 232.

Warrant officer grades	Pay grades
Chief warrant officer, W-4-----	W-4
Chief warrant officer, W-3-----	W-3
Chief warrant officer, W-2-----	W-2
Warrant officer, W-1-----	W-1

Chief warrant officers, W-4, W-3, and W-2, shall be persons warranted in those grades in the Army or Air Force, and persons commissioned in those grades in the Navy, Marine Corps, or Coast Guard; warrant officers, W-1, shall be persons warranted in that grade. A warrant officer of any one warrant officer grade shall have precedence over all warrant officers of warrant officer grades of lower numerical designation.

(b) The appointment of a permanent warrant officer to higher temporary warrant or any commissioned officer grade shall not operate to vacate his permanent warrant officer grade, nor shall it in any way prejudice any right, privilege, benefit, or promotion status to which he may be entitled by virtue of his permanent warrant officer grade.

DISTRIBUTION AND REDISTRIBUTION OF WARRANT OFFICERS

SEC. 4. (a) Warrant officers (including warrant officers who, on the effective date of this Act are in receipt of or entitled to retired pay or retirement pay or are on the temporary disability retired list) shall, effective upon the effective date of this Act, be distributed among the grades established by section 3 of this Act as the Secretary may prescribe, and at any time prior to the first day of the second month after the effective date of this Act, the Secretary is authorized to redistribute these warrant officers. Upon such distribution or redistribution, each such warrant officer shall, without further action, hold the grade in which distributed or redistributed. In this distribution and redistribution—

(1) no such warrant officer shall receive a lower permanent warrant officer grade than the one which corresponds to the warrant officer pay grade to which his status as a permanent warrant officer entitled him on the day before the effective date of this Act;

(2) no such warrant officer shall receive a lower temporary warrant officer grade than the one which corresponds to the highest warrant officer pay grade to which his status entitled him on the day before the effective date of this Act;

(3) a warrant officer who is entitled to retired pay or retirement pay or who is on a temporary disability retirement list shall receive the warrant officer grade which corresponds to the warrant officer pay grade in which he is receiving retired pay, retirement pay, or physical disability retirement pay, and such distribution and redistribution shall not serve to increase or decrease the amount of such pay or any higher commissioned officer rank or grade to which he is entitled on the day before the effective date of this Act; and

(4) enlisted personnel heretofore or hereafter assigned to the Fleet Reserve and Fleet Marine Corps Reserve who have, or are entitled to have warrant grade pursuant to section 10 (a) of the Act of July 24, 1941, as amended, will be distributed among the grades established by section (3) of this Act as the Secretary may prescribe. Distribution effected in accordance with this paragraph will not serve to decrease the retainer pay or retired pay to which these persons are entitled under section 511 of the Act of October 12, 1949, as amended.

(b) Each permanent warrant officer of the regular service shall, for promotion purposes, be credited in the permanent warrant officer grade in which distributed or redistributed under this section with such

60 Stat. 28.
34 USC 350i.

63 Stat. 829.
37 USC 311.

service as the Secretary shall prescribe, but not less than the active service performed as a permanent warrant officer after September 30, 1949, in the pay grade corresponding to the permanent warrant officer grade in which distributed or redistributed, including active service in any higher pay grade as a warrant officer or in any permanent or temporary commissioned officer grade while his status as a permanent warrant officer entitled him to the pay grade corresponding to such permanent warrant officer grade.

APPOINTMENTS

SEC. 5. (a) Appointments to any permanent warrant officer grade in the regular service accomplished by a commission shall be made by the President, by and with the advice and consent of the Senate. Other appointments to warrant officer grades shall be made by the Secretary.

(b) Except as otherwise provided in this Act, warrant officers appointed in the regular service under this section shall be credited with such service for promotion purposes as the Secretary may prescribe, but not more than the period of active service actually performed in the grade, or the pay grade corresponding to the grade, in which appointed or in a higher warrant officer or commissioned grade or pay grade, while holding a temporary or permanent appointment or commission.

AUTHORITY FOR THE TERMINATION OF APPOINTMENTS

SEC. 6. The Secretary may, in his discretion, terminate the appointment of a permanent warrant officer in the regular service at any time within three years after the date of acceptance of his initial appointment as a permanent warrant officer of the regular service. A warrant officer whose appointment is terminated under this section shall not be entitled to severance pay, but, upon his application he may, in the discretion of the Secretary, be enlisted in such grade as the Secretary may direct but not lower than the grade held immediately prior to appointment as warrant officer.

PROMOTION OF WARRANT OFFICERS

SEC. 7. The promotion of permanent warrant officers of the regular service to a higher permanent warrant officer grade shall be governed by this Act and such regulations concerning physical, moral, and professional qualifications as the Secretary may prescribe. The physical standards for promotion shall be the same as those which may be prescribed for retention on active duty. The permanent promotion of warrant officers other than permanent warrant officers of the regular service and all temporary promotions to warrant officer grades shall be governed by such regulations as the Secretary may prescribe.

SELECTION BOARDS

SEC. 8. (a) Whenever the Secretary determines that the needs of the service require, but not less than once annually, he shall appoint one or more boards of not less than five regular officers of the service concerned for the selection of permanent warrant officers of the regular service for promotion. No officer shall be eligible for membership on these selection boards if he has a permanent grade below that of lieutenant colonel or commander. When the second of two consecutive selection boards is to consider any of the warrant officers who were considered by the first board, no officer who served on the first board shall be eligible for membership on the second board.

(b) All other matters relating to the functions and duties of the boards, including the number of members required to constitute a quorum, shall be prescribed by the Secretary.

ELIGIBILITY FOR PROMOTION

SEC. 9. (a) Each permanent warrant officer of the regular service shall be considered by a selection board as prescribed by the Secretary sufficiently in advance of the date on which he completes the service in permanent warrant officer grade in the regular service prescribed in this section (including service credited in that permanent warrant officer grade in the regular service under section 4 (b) or 5 (b) of this Act and service performed after the effective date of this Act while he holds that permanent warrant officer grade in the regular service) so that he may, subject to the provisions of this Act, be promoted to the next higher permanent warrant officer grade in the regular service as of the day after the date on which he completes the following service in grade—

- (1) warrant officer, W-1, three years;
- (2) chief warrant officer, W-2, six years; and
- (3) chief warrant officer, W-3, six years.

(b) A permanent warrant officer of the regular service who is considered by a selection board for promotion, but who fails to be selected for promotion to the next higher permanent grade in the regular service, shall be considered for promotion by each later selection board which considers permanent warrant officers in his grade until he is retired, separated, or selected for promotion to that grade.

SELECTION FOR PROMOTION

SEC. 10. (a) The Secretary shall furnish each selection board with the names of all permanent warrant officers of the regular service, in order of seniority in their permanent warrant officer grade, who are eligible under subsections (a) and (b) of section 9 of this Act, for consideration by that selection board for promotion to the next higher permanent warrant officer grade in the regular service—

(1) from the list of warrant officers, W-1, which the Secretary has submitted to it, each selection board shall select those warrant officers, W-1, whom the selection board considers fully qualified for promotion to the grade of chief warrant officer, W-2, and shall also report the names of those warrant officers, W-1, whom it recommends for termination of their appointment under section 6 of this Act; and

(2) from the list of chief warrant officers, W-2, and chief warrant officers, W-3, which the Secretary has submitted to it, each selection board shall select for promotion to chief warrant officer, W-3, and chief warrant officer, W-4, respectively, those officers whom it considers best qualified for promotion, in numbers not exceeding the number prescribed by the Secretary. The number prescribed by the Secretary for each of these chief warrant officer grades shall be equal to not less than eighty per centum of the number of warrant officers who for the first time are being considered for promotion to each of those chief warrant officer grades under paragraphs (2) and (3) of section 9 (a) of this Act. Under such regulations as the Secretary may prescribe, the selection board shall also report the names of those chief warrant officers among those eligible for consideration whose reports and records in its opinion establish their unfitness or unsatisfactory

performance of duty in their present grades. The case of a warrant officer so reported shall be governed by section 15 of this Act.

(b) The names of warrant officers who are selected for promotion shall be arranged in the report of the board in the order of their seniority in permanent warrant officer grade. The report of the selection board shall be submitted to the Secretary for his approval or disapproval in whole or in part.

(c) If prior to his appointment to the next higher grade the promotion of a warrant officer be disapproved by the Secretary, the President, or the Senate his name shall be removed from the list of officers who were selected for promotion by that board and his case shall be governed by section 11 (c) of this Act.

EFFECTIVE DATE OF APPOINTMENT ON PROMOTION

SEC. 11. (a) A permanent warrant officer of the regular service who has been selected for promotion to the next higher permanent warrant officer grade by the first selection board which considered him for promotion to that grade, and who has met such qualifications as the Secretary may have prescribed under section 7 of this Act, shall be appointed to that higher permanent warrant officer grade. The date of his appointment thereto shall be the day after the date he completes the service prescribed in section 9 (a) of this Act.

(b) A permanent warrant officer of the regular service who has previously failed of selection for promotion to the next higher permanent warrant officer grade, but who has been selected for promotion to that grade by a later selection board and has met such qualifications as the Secretary may have prescribed under section 7 of this Act, shall be appointed to that higher permanent warrant officer grade. The date of his appointment thereto shall be one of the following dates, whichever is the earlier—

(1) that date which is one year after the date upon which such appointment would have been effective had he been selected for promotion by the last selection board which failed to select him; or

(2) the earliest date on which any warrant officer who has not so failed of selection and whose name follows his on the list submitted to the Secretary under section 10 (b) of this Act, is promoted to such higher grade.

(c) A permanent warrant officer of the regular service whose name, in accordance with section 10 (c) of this Act, has been removed from the list of officers who are selected for promotion shall continue to be eligible for consideration for promotion and—

(1) if the next ensuing selection board recommends such a warrant officer for promotion, his name, without prejudice by reason of its having been removed therefrom, shall be replaced on the list from which it was removed. When he is promoted, the date of his appointment shall be the same as if his name had not been so removed; but

(2) if such warrant officer is not selected for promotion by the next ensuing selection board, or if his name, in accordance, with section 10 (c) of this Act, is again removed from the list of officers who are selected for promotion by the next ensuing selection board, his case shall be governed by section 13 of this Act as if he had twice failed of selection for promotion.

FAILURE TO MEET MORAL AND PROFESSIONAL QUALIFICATIONS

SEC. 12. A permanent warrant officer of the regular service who has been selected for promotion to the next higher grade, but who, within

such time as may be prescribed by the Secretary, fails to meet such moral and professional qualifications as the Secretary may have prescribed under section 7 of this Act, shall not be appointed to that higher grade and his case shall be governed by section 13 of this Act as if he had twice failed of selection for promotion.

FAILURE OF SELECTION FOR PROMOTION

SEC. 13. (a) Unless otherwise retired or separated under any law, each permanent warrant officer of the regular service who has twice failed of selection for promotion to the next higher permanent warrant officer grade under this Act, shall—

(1) if on the date of his second failure of selection for promotion he has completed less than eighteen years of active service, have his appointment as a permanent warrant officer in the regular service terminated and be separated on that date which is sixty days after the date of his second failure of selection for promotion, and unless—

(A) upon his application and in the discretion of the Secretary, he is enlisted in such grade as the Secretary may direct, or

(B) if serving on active duty as a commissioned officer, he elects, with the consent of the Secretary, to remain on active duty in his officer status;

be entitled to severance pay under section 16 of this Act;

(2) if on the date of his second failure of selection for promotion he has completed not less than eighteen nor more than twenty years' active service, be retired on that date which is sixty days after the date on which he completes twenty years' active service, if he has not by that time been selected for promotion to the next higher grade, and be entitled to retired pay under section 14 (d) of this Act; or

(3) if on the date of his second failure of selection for promotion he has completed more than twenty years' active service, be retired on that date which is sixty days after the date of his second failure of selection and be entitled to retired pay under section 14 (d) of this Act.

(b) Retirement under clause (2) or (3) of subsection (a) of this section, may, in the discretion of the Secretary in the case of a permanent warrant officer who is serving on active duty as a commissioned officer and elects to remain on active duty as a commissioned officer, be deferred until such date as the Secretary may prescribe.

(c) Upon retirement or separation under subsection (a) of this section, any permanent warrant officer who holds a commission as an officer shall have that commission terminated on the date of such retirement or separation.

RETIREMENT OF WARRANT OFFICERS

SEC. 14. (a) Any warrant officer who has completed not less than twenty years' active service may, upon application and in the discretion of the Secretary, be retired and shall be entitled to receive retired pay computed under subsection (d) of this section.

(b) Except as otherwise provided in paragraphs (1), (2), and (3) of this subsection, any permanent warrant officer of the regular service who, having completed not less than twenty years of active service, has attained the age of sixty-two, shall be retired on that date which is sixty days after the date on which he attains that age and shall be entitled to receive retired pay computed under subsection (d) of this section—

(1) any woman permanent warrant officer of the regular service who, having completed not less than 20 years of active service, attains the age of fifty-five shall be retired on that date which is sixty days after the date on which she attains that age and shall be entitled to receive retired pay computed under subsection (d) of this section;

(2) upon the recommendation of a board of officers and in the discretion of the Secretary, under such regulations as he may prescribe, any permanent warrant officer of the regular service who has completed thirty years of active service may, with his consent, be continued on active service, but not beyond that date which is sixty days after the date on which he attains the age of sixty-two. Any such warrant officer who has completed thirty years of active service and is not so continued on active service shall be retired on that date which is sixty days after the date on which he completes thirty years of active service and shall be entitled to receive retired pay computed under subsection (d) of this section; and

(3) the separation of any person who, on the effective date of this Act, is a male permanent warrant officer of the regular service and who upon attaining the age of sixty-two has completed less than twenty years of active service may be deferred by the Secretary until he completes twenty years of active service, but not later than that date which is sixty days after the date on which he attains the age of sixty-four, and the separation of any person, who, on the effective date of this Act, is a woman permanent warrant officer of the regular service and who upon attaining the age of fifty-five has completed less than twenty years of active service may be deferred until she completes twenty years of active service, but not later than that date which is sixty days after the date on which she attains the age of sixty.

(c) Except as provided in clause (3) of subsection (b) and in subsection (g) of this section, each warrant officer shall be retired or separated not later than sixty days after the date on which he attains the age of sixty-two if a male warrant officer, or the age of fifty-five if a woman warrant officer.

(d) A warrant officer who is retired under this section shall, as determined by the Secretary, be retired in the permanent warrant officer grade held on the day before the date of his retirement, or in any higher warrant officer grade in which he has satisfactorily served, as determined by the Secretary, on any full time duty under competent orders specifying that the period of such duty shall be for a period in excess of thirty days or for an indefinite period. Retired pay under this section shall be $2\frac{1}{2}$ per centum of the active duty basic pay he would have been entitled to receive if he had been serving on active duty in the warrant officer grade in which retired on the day before the date of his retirement under this section, multiplied by the number of years of service creditable in the computation of such basic pay, but not to exceed 75 per centum of that basic pay. A fractional part of a year that is six months or more shall be considered a full year in computing the number of years of active service by which the $2\frac{1}{2}$ per centum is multiplied.

(e) The retirement or separation of any warrant officer which is required under this Act may, in the discretion of the Secretary, be deferred for a period of not to exceed four months when, because of unavoidable circumstances, proper evaluation of the warrant officer's physical condition and possible entitlement to disability retirement or disability separation benefits necessitate a period of hospitalization or medical observation which cannot be completed prior to the date retirement or separation would otherwise be required.

(f) The provisions of this section or section 13 shall not prevent any warrant officer from electing to be placed on the retired list in the highest grade and with the highest retired pay to which he may be entitled under any other law. However, when the rate of pay of such highest grade is under any other law less than the pay of any warrant grade satisfactorily held on active duty, the retired pay shall be based on the higher rate of pay.

62 Stat. 1087.
10 USC 1036a.

10 USC 1036a.

(g) The separation of any person who, on the effective date of this Act, is a male warrant officer of a reserve component of the Armed Forces and who upon attaining the age of sixty-two has completed less than twenty years of satisfactory Federal service, as defined by section 302, Public Law 810, Eightieth Congress, may be deferred by the Secretary concerned until he completes twenty years of satisfactory Federal service, but not later than that date which is sixty days after the date on which he attains the age of sixty-four, and the separation of any person who, on the effective date of this Act, is a woman warrant officer of a reserve component of the Armed Forces who upon attaining the age of fifty-five has completed less than twenty years of satisfactory Federal service, as defined in section 302, Public Law 810, Eightieth Congress, may be deferred by the Secretary concerned until she completes twenty years of satisfactory Federal service, but not later than that date which is sixty days after the date on which she attains the age of sixty.

ELIMINATION OF UNFIT OR UNSATISFACTORY WARRANT OFFICERS

SEC. 15. Under such regulations as the Secretary may prescribe and subject to the recommendations of a board of officers or a selection board under section 10 of this Act, when the records and reports of any permanent warrant officer of the regular service establish his unfitness or unsatisfactory performance of duty, he shall be retired if eligible for retirement under any provision of law, and his retired pay shall be computed as if he had been retired under the provisions of law under which such eligibility is established. If not eligible for such retirement, his appointment as a permanent warrant officer of the regular service and any other appointment which he may hold in any warrant officer or commissioned officer grade shall be terminated. If a warrant officer being separated under this section has completed more than three years' active service since the date of acceptance of his initial appointment as a permanent warrant officer of the regular service, he shall be separated and he shall be entitled to receive severance pay under section 16 of this Act, but in lieu of severance pay, upon his application he may, in the discretion of the Secretary, be enlisted in such grade as the Secretary may direct. If such a warrant officer has completed less than three years' active service since the date of acceptance of his initial appointment as a permanent warrant officer of the regular service, his appointment shall be terminated under section 6 of this Act.

SEVERANCE PAYMENTS

SEC. 16. (a) Severance payments under this Act to permanent warrant officers of the regular service shall—

(1) if the warrant officer is being separated because of failure of selection for promotion, be computed on the basis of two months' basic pay at the time of separation for each year of active service, but not to exceed a total of two years' basic pay; and

(2) if the warrant officer is being separated because of unfitness or unsatisfactory performance of duty, be computed on the basis of one month's basic pay at the time of separation for each year of active service, but not to exceed a total of one year's basic pay.

A fractional part of a year that is six months or more shall be considered a full year in computing the number of years of active service upon which to base this severance pay.

(b) The acceptance of severance pay under this Act shall not deprive a person of any retirement benefits from the Government to which he would otherwise become entitled, but there shall be deducted from any such retirement benefits to such a person such portion thereof as is attributable to the active service in respect of which severance payment shall have been made to him under this Act until the total of the deductions so made equals the total of such severance payment.

APPOINTMENT OF CERTAIN PERSONS ENTITLED TO PERMANENT WARRANT
OFFICER GRADE

SEC. 17. (a) (1) Each person who holds a letter of entitlement to an appointment as a permanent warrant officer of the regular service on the effective date of this Act, and (2) each person who would, if his active service as a commissioned officer were terminated on the effective date of this Act, be entitled, under section 1 of the Act of July 14, 1939 (53 Stat. 1001), to reappointment as a permanent warrant officer of the regular service shall, on the effective date of this Act, be tendered an appointment in the regular service to the permanent warrant officer grade established by this Act which corresponds to the pay grade as a permanent warrant officer to which his status entitled him on the day before the effective date of this Act. Warrant officers appointed pursuant to this subsection shall be appointed under section 5 (a) of this Act and shall be included in any redistribution under section 4 of this Act.

10 USC 598.

(b) If a person tendered an appointment as a permanent warrant officer in the regular service under this section does not accept that appointment within such time as the Secretary may prescribe, his entitlement to a permanent warrant officer grade shall terminate.

SUSPENSION OF LAWS AFFECTING WARRANT OFFICERS

SEC. 18. In time of emergency hereafter declared by the President or by the Congress, and in time of war, the President is authorized, in his discretion, to suspend the operation of all or any part or parts of the several provisions of law pertaining to promotion, mandatory retirement or separation of warrant officers, of any of the Armed Forces.

AMENDMENT OF EXISTING LAWS

SEC. 19. (a) Section 1505 of the Revised Statutes, as amended, is further amended to read as follows: "Any officer of the Navy of the grade of ensign or above on the active list who, upon examination for promotion, is found not professionally qualified, shall be suspended from promotion for a period of six months from the date of approval of said examination, and upon the termination of said suspension from promotion he shall be reexamined. In the case of his success upon such reexamination he shall, if otherwise qualified, be promoted and assigned the date of rank and precedence in the higher grade which he would have held had he not been suspended and shall be entitled to the pay and allowances of such higher grade from the date upon which he became eligible for promotion. Officers of the grade of ensign who fail on such reexamination shall be honorably discharged from the service with a lump-sum payment computed on the basis of two months' active duty pay at the time of discharge for each year of active commissioned service in the Regular Navy and Naval Reserve, exclusive of duty for training, but not to exceed a total of one year's active duty pay."

61 Stat. 874.
34 USC 283.

10 USC 598.

(b) The first section of the Act of July 14, 1939 (53 Stat. 1001) is amended to read as follows: "That hereafter any enlisted man of the Regular Army or Regular Air Force who shall serve on active duty as a Reserve officer or warrant officer of the Army or Air Force or who shall be discharged to accept appointment as a commissioned officer or warrant officer in the Army or Air Force and whose active service as a commissioned officer or warrant officer shall terminate honorably, shall be entitled, without regard to any physical disqualification incurred, or having its inception, while on active duty in line of duty, to reenlistment in the grade held prior to such service as a commissioned or warrant officer, without loss of service or seniority and without regard to whether a vacancy exists in the appropriate enlisted grade: *Provided*, That application for reenlistment shall be made within six months, or within such other period of time as the appropriate Secretary may prescribe in exceptional circumstances, after the termination of such service as a commissioned officer or warrant officer in each case: *Provided further*, That enlisted men of the Regular Army and Regular Air Force shall be entitled to count active service as a commissioned officer or warrant officer in the Army and Air Force as enlisted service for all purposes."

10 USC 591.

(c) Section 2 of the Act of August 21, 1941 (55 Stat. 652), is amended to read as follows:

"SEC. 2. Original appointments to permanent warrant officer grades in the Regular Army and Regular Air Force shall be made only from among those persons who have served at least one year on active duty in the Army or Air Force."

10 USC 591a.

(d) Section 3 of the Act of August 21, 1941 (55 Stat. 652), is amended to read as follows:

"SEC. 3. Whenever, under authorization from time to time made by the Congress, the total number of commissioned officers serving on active duty exceeds the authorized active list commissioned officer strength of the Regular Army or Regular Air Force, the Secretary of the Army, with respect to the Army, and the Secretary of the Air Force, with respect to the Air Force, shall determine the requirements in each of the several warrant officer grades based upon the total number of warrant officers serving on active duty and the tasks being performed by the Army and the Air Force and such requirements in each of such grades may be filled by the temporary appointment of qualified warrant officers. Such temporary appointments shall be in the Army or Air Force and shall remain in effect at the pleasure of the appropriate Secretary. Persons appointed in the Army or Air Force as temporary warrant officers, while in active Federal service, shall while so serving, be entitled to the rank, pay, and allowances of the grades to which they are temporarily appointed, and shall be entitled to count such service as warrant or enlisted service for all purposes. Such temporary appointees shall be entitled to the benefits of all existing laws and regulations governing retirement, pensions, and disability as are applicable to members of the Army or Air Force when called or ordered into the active military service by the Federal Government under existing statutory authorizations. All persons temporarily appointed as warrant officers in the Army or Air Force under the authority of this section, shall, as long as they continue to hold such appointments, be available for assignment to active duty with any unit of the service in which appointed. Persons temporarily appointed as warrant officers under the authority of this section who, at the time of their respective temporary appointments have a military status in the Army or Air Force, may accept such temporary appointments without prejudice to the military status which they so held, and upon termination of such temporary appointments such persons may revert to the grades which they held at the time of their temporary appointments."

(e) Section 4 of the Act of August 21, 1941 (55 Stat. 653), is amended by deleting the last sentence of that section as it appears in lines 13 to 15, inclusive, of that section, page 653, volume 55, Statutes at Large, and by substituting in lieu thereof: "All warrant officers shall take precedence next below second lieutenants. They shall take precedence among themselves in accordance with the warrant officer grades established by the Warrant Officer Act of 1954, and they shall take rank within each warrant officer grade in accordance with regulations prescribed by the Secretary of their department."

10 USC 593.

(f) Section 5 of the Act of August 21, 1941 (55 Stat. 653), as amended, is amended by deleting therefrom all of the section through the first three provisos as it appears in lines 22 to 34, inclusive, of page 1085, volume 62, Statutes at Large.

10 USC 594.

(g) Section 1 of the Act of October 21, 1943 (57 Stat. 574; 34 U. S. C. 643), is amended by substituting a period for the comma after the word "abolished", as it appears in line 5 of that section, page 574, volume 57, Statutes at Large, and deleting the remainder of that section.

(h) Title 14, United States Code, section 230, is amended to read as follows: "Any commissioned officer, except a commissioned warrant officer, who has reached the age of sixty-two shall be retired from active service, with retired pay of the grade with which retired."

63 Stat. 514.

ACTS AND PARTS OF ACTS REPEALED

SEC. 20. All Acts or parts of Acts inconsistent with the provisions of this Act are repealed on the effective date of this Act, and this repeal shall include, but shall not be limited to the following:

- (a) Sections 1405 and 1406 of the Revised Statutes.
- (b) Section 1 of the Act of June 17, 1898 (30 Stat. 474).
- (c) Sections 12, 14, and 15 of the Act of March 3, 1899 (30 Stat. 1007).
- (d) That part of the Act of March 3, 1909 (35 Stat. 771), which appears in lines 10 to 23, inclusive, page 771, volume 35, Statutes at Large, as amended.
- (e) That part of the Act of March 3, 1915 (38 Stat. 942), which appears in lines 22 to 60, inclusive, page 942, and in lines 1 to 28, inclusive, page 943, volume 38, Statutes at Large, as amended.
- (f) That part of the Act of August 29, 1916 (39 Stat. 573), which appears in lines 54 to 59, inclusive, page 572, and in lines 1 to 12, inclusive, page 573, volume 39, Statutes at Large, as amended.
- (g) Section 12 of the Act of March 4, 1925 (43 Stat. 1274).
- (h) Section 1 of the Act of June 14, 1938 (52 Stat. 677).
- (i) The first section of the Act of August 21, 1941 (55 Stat. 651), as amended.
- (j) The Act of July 28, 1942 (56 Stat. 724).
- (k) Section 2 of the Act of October 21, 1943 (57 Stat. 574).
- (l) The Act of June 30, 1947 (61 Stat. 210).
- (m) Section 316 (a) of the Officer Personnel Act of 1947 (61 Stat. 795, 867).
- (n) Section 201 (c) of the Career Compensation Act of 1949 (63 Stat. 802, 807).
- (o) Title 14, United States Code, sections 303, 304, 305, 307, 308, and 313.

63 Stat. 518.

SAVINGS PROVISION FOR CERTAIN WARRANT OFFICERS

SEC. 21. (a) This Act shall not affect any right, privilege, or benefit of any warrant officer under title 14, United States Code, sections 431, as amended, 432, or 433, as amended.

63 Stat. 526.

(b) In the case of a warrant officer distributed or redistributed under section 4 or appointed under section 17 of this Act, the term "active service" as used in this Act, shall include all service which he has performed before the effective date of this Act, and which under laws in effect on the day before the effective date of this Act, would be credited in determining his eligibility for retirement as a permanent warrant officer of the regular service.

(c) The effective date of the retirement of any person retired pursuant to this Act shall be subject to the Act of April 23, 1930 (ch. 209, 46 Stat. 253).

5 USC 47a.

EFFECTIVE DATE

SEC. 22. This Act shall be effective on the first day of the sixth month following the month in which it is enacted.

Approved May 29, 1954.

Public Law 380

CHAPTER 250

June 1, 1954
[H. R. 7786]

AN ACT

To honor veterans on the 11th day of November of each year, a day dedicated to world peace.

Veterans Day.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act making the 11th day of November in each year a legal holiday", approved May 13, 1938 (52 Stat. 351; 5 U. S. C., sec. 87a), is hereby amended by striking out the word "Armistice" and inserting in lieu thereof the word "Veterans".

Approved June 1, 1954.

Public Law 381

CHAPTER 251

June 3, 1954
[H. R. 4231]

AN ACT

To authorize appointments to the United States Military Academy and United States Naval Academy of sons of certain individuals who were killed in action or who died or shall die as a result of active service in World War I, World War II, or between the period beginning June 27, 1950, and ending on a date proclaimed by the President or the Congress.

U. S. Military,
Naval, and Air
Force Academies.
Appointments.

59 Stat. 586.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the second paragraph of the Act entitled "An Act to establish a department of economics, government, and history at the United States Military Academy, at West Point, New York, and to amend chapter 174 of the Act of Congress of April 19, 1910, entitled 'An Act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes'", approved June 8, 1926, as amended (34 U. S. C., sec. 1036a), as precedes the colon preceding the first proviso thereof is amended to read as follows: "That the number of midshipmen now authorized by law at the United States Naval Academy is hereby increased by forty from the United States at large, to be appointed by the President from among the sons of members of the land or naval forces (including male and female members of the Army, Air Force, Navy, Marine Corps, and Coast Guard, and of all components thereof) of the United States, who were killed in action or who have died, or may hereafter die, of wounds or injuries received, or disease contracted or preexisting injury or disease

aggravated, in active service (1) during World War I or World War II as each is defined by laws providing service-connected compensation or pension benefits for veterans of World War I and World War II and their dependents, or (2) on or after June 27, 1950, and prior to such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress under the joint resolution entitled 'Joint resolution to provide certain benefits for certain persons who shall have served in the Armed Forces of the United States on and after June 27, 1950', approved May 11, 1951 (38 U. S. C., sec. 745)".

65 Stat. 40.

SEC. 2. (a) Subsection (b) of the first section of the Act entitled "An Act to amend laws relating to the United States Military Academy and the United States Naval Academy, and for other purposes", approved June 30, 1950 (10 U. S. C., sec. 1092a), is amended in the following respects:

64 Stat. 303.

(1) By inserting "(1)" immediately before "during World War I"; and

(2) By inserting immediately before the colon preceding the first proviso of such subsection the following: "or (2) on or after June 27, 1950, and prior to such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress under the joint resolution entitled 'Joint resolution to provide certain benefits for certain persons who shall have served in the Armed Forces of the United States on and after June 27, 1950', approved May 11, 1951 (38 U. S. C., sec. 745)".

65 Stat. 40.

(b) This section shall apply to the Air Force Academy.

Applicability.

Approved June 3, 1954.

Public Law 382

CHAPTER 252

AN ACT

To provide for the redemption of District of Columbia tax stamps.

June 3, 1954
[H. R. 4940]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, where any cigarette or alcoholic-beverage tax stamps issued under District of Columbia tax laws have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, the amount paid for such stamps may be refunded within the limit of appropriations therefor, or allowed as a credit on the purchase of new stamps. No such refund or allowance shall be made unless the owner of such stamps shall file a written claim therefor with the Commissioners of the District of Columbia or their designated agent within the time prescribed in this Act and unless the Commissioners or their designated agent upon receipt of satisfactory evidence of the facts, and subject to regulations prescribed by the Commissioners, certify that such refund or allowance is just and equitable.

D. C. tax stamps.
Redemption.

SEC. 2. No refund or allowance shall be made in any case (1) until the stamps so spoiled or rendered useless shall have been returned to the Commissioners or their designated agent, or (2) until satisfactory proof has been made to the Commissioners or their designated agent showing the reason why the same cannot be returned, or (3), if so required by the Commissioners or their designated agent, unless the person presenting the same can satisfactorily trace the history of said stamps from their issuance to the filing of his claim as aforesaid: *Provided*, That no refund shall be made in those cases where the owner may be made whole by allowing him a credit on the purchase of new

stamps: *And provided further*, That no claim for a refund, or allowance for such stamps, shall be allowed unless presented within six months after the stamps have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or, in the case of stamps for which the owner may have no use, within six months from the date of purchase thereof, except that as to stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, prior to the effective date of this Act, a claim for a refund or allowance for credit may be filed within six months after the effective date of this Act.

Approved June 3, 1954.

Public Law 383

CHAPTER 253

AN ACT

June 3, 1954
[H. R. 7308]

To repeal section 307 of title III of the Federal Civil Defense Act of 1950, as amended.

Extension.

64 Stat. 1254.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Civil Defense Act of 1950, as amended (50 U. S. C. App. 2297), is amended by striking out the date "June 30, 1954" and inserting in lieu thereof the date "June 30, 1958".

Approved June 3, 1954.

Public Law 384

CHAPTER 254

AN ACT

June 3, 1954
[H. R. 7541]

To promote the national defense by including a representative of the Department of Defense as a member of the National Advisory Committee for Aeronautics.

62 Stat. 266.
50 USC 151.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 271, Sixty-third Congress, approved March 3, 1915 (38 Stat. 930; 50 U. S. C. 151a), as amended, be amended by striking out "the chairman of the Research and Development Board of the Department of Defense" and inserting in lieu thereof "one Department of Defense representative who is acquainted with the needs of aeronautical research and development".

Approved June 3, 1954.

Public Law 385

CHAPTER 261

AN ACT

June 4, 1954
[H. R. 116]

To amend title 18, United States Code, so as to prohibit the transportation of fireworks into any State in which the sale or use of such fireworks is prohibited.

Fireworks transportation.
62 Stat. 738.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 39 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 836. Transportation of fireworks into State prohibiting sale or use

"Whoever, otherwise than in the course of continuous interstate transportation through any State, transports fireworks into any State,

or delivers them for transportation into any State, or attempts so to do, knowing that such fireworks are to be delivered, possessed, stored, transshipped, distributed, sold, or otherwise dealt with in a manner or for a use prohibited by the laws of such State specifically prohibiting or regulating the use of fireworks, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"This section shall not apply to a common or contract carrier or to international or domestic water carriers engaged in interstate commerce or to the transportation of fireworks into a State for the use of Federal agencies in the carrying out or the furtherance of their operations.

"In the enforcement of this section, the definitions of fireworks contained in the laws of the respective States shall be applied.

"As used in this section, the term 'State' includes the several States, Territories, and possessions of the United States, and the District of Columbia.

"This section shall be effective from and after July 1, 1954."

Effective date.

SEC. 2. The analysis of chapter 39 of title 18, United States Code, immediately preceding section 831 of such title, is amended by adding at the end thereof the following new item:

"836. Transportation of fireworks into State prohibiting sale or use."

SEC. 3. This Act shall not be effective with respect to—

Noneffective-
ness.

(1) the transportation of fireworks into any State or Territory for use solely for agricultural purposes,

(2) the delivery of fireworks for transportation into any State or Territory for use solely for agricultural purposes, or

(3) any attempt to engage in any such transportation or delivery for use solely for agricultural purposes, until sixty days have elapsed after the commencement of the next regular session of the legislature of such State or Territory which begins after the date of enactment of this Act.

Approved June 4, 1954.

Public Law 386

CHAPTER 262

AN ACT

To provide for the conveyance to the State of Indiana of certain surplus real property situated in Marion County, Indiana.

June 4, 1954
[H. R. 232]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey to the State of Indiana, upon the terms and conditions and for the consideration set forth in section 2, all the right, title, and interest of the United States in and to certain land (hereinafter referred to as Federal land) situated in Marion County, Indiana, together with all fixtures and improvements thereon. Such land, which is surplus to the requirements of the United States, comprises a part of the north half of the northwest quarter of section 20, township 15 north, range 3 east, Marion County, Indiana, known as Tent City, and is more particularly described as follows:

Marion County,
Ind.
Conveyance.

(1) Beginning at the southwest intersection of Wade Avenue with Main Street as shown on plat of Thurston Place Addition, said point being the northeast corner of the tract of land herein described, thence running south along the western right-of-way line of Main Street a distance of four hundred and fifty-seven feet to a point in the northern right-of-way line of Bradbury Avenue; thence running in a westerly direction along the northern right-of-way line of Bradbury

Avenue, a distance of four hundred fifty-five and twenty-three one-hundredths feet to a point in the east right-of-way line of a fifteen-foot alley; thence running north along said east right-of-way line of said fifteen-foot alley a distance of four hundred and fifty-seven feet to a point in the south right-of-way line of Wade Avenue; thence along said south right-of-way line of Wade Avenue a distance of four hundred fifty-five and twenty-three one-hundredths feet to a place of beginning and containing four and seventy-eight one-hundredths acres of land more or less (tract 1);

(2) Beginning at the southeast intersection of Wade Avenue with Main Street as shown on plat of Thurston Place Addition, said point being the northwest corner of the tract of land herein described; thence running south along the eastern right-of-way line of Main Street a distance of four hundred and fifty-seven feet to a point in the northern right-of-way line of Bradbury Avenue; thence running east along the northern right-of-way line of Bradbury Avenue, a distance of nine hundred twenty-five and forty-six one-hundredths feet to a point in the west right-of-way line of Holt Road, thence running north along the west right-of-way line of Holt Road a distance of four hundred and fifty-seven feet to a point in the south right-of-way line of Wade Avenue, thence running west along the south right-of-way line of Wade Avenue a distance of nine hundred twenty-five and forty-six one-hundredths feet to the place of beginning and containing nine and seventy-three one-hundredths acres of land more or less (tract 2); and

(3) All the right, title, and interest of the United States in and to all streets, highways, alleys, ways, and rights-of-way which may or do adjoin or abut the said land—the land described in this section is the same land that was acquired by the United States by deed dated December 7, 1942, recorded in the land records of Marion County, Indiana, in volume 1103 at page 599, and shown as tracts 1 and 2 on the military real estate map of Stout Field, numbered 1627, approved July 6, 1945, on file in the Office, Chief of Engineers.

(4) All mineral rights, including gas and oil, in the lands authorized to be conveyed by this Act and described in subsections (1) and (2) of section 1 shall be reserved to the United States.

Terms and conditions.

SEC. 2. The conveyance of the Federal land provided for in the first section shall be made upon the terms and conditions and for the consideration set forth as follows:

National emergency.

(1) In time of war or of national emergency heretofore or hereafter declared by the President or the Congress, and upon the request of the Secretary of Defense to the State of Indiana, the United States shall have the right to the exclusive or nonexclusive use of all or any part of the Federal land, and all improvements thereon, for the full period of such war or national emergency without cost to the United States. Upon the expiration of such war or national emergency the use of the Federal land shall cease in favor of the State of Indiana.

(2) In consideration of the conveyance of the Federal land, the State of Indiana shall agree not to sell, convey, or otherwise dispose of all or any part of certain land or improvements thereon (hereinafter referred to as State land) comprising Stout Field, situated in sections 17, 18, 19, and 20, township 15 north, range 3 east, second principal meridian, Marion County, Indiana, and more particularly described as follows:

Beginning at a point at the center of section 17, township 15 north, range 3 east, second principal meridian, said point being the intersection of the center line of Minnesota Avenue and Holt Road; thence south along the north-south center line of section 17 and the center line of Holt Road three thousand four hundred ninety-three and fifty-nine

one-hundredths feet to a point, said point being the intersection of the center line of Holt Road and Wade Street; thence in a westerly direction along the center line of Wade Street extended three thousand four hundred forty-five and eighty-nine one-hundredths feet to a point; thence in a northerly direction nine hundred thirty-two and thirteen one-hundredths feet to a point on the north line of Raymond Street extended, said point being two hundred nineteen and seventy-eight one-hundredths feet east of the east line of Denniston Street; thence in a westerly direction along the north line of Raymond Street extended two hundred nineteen and seventy-eight one-hundredths feet to a point in the east line of Denniston Street; thence north along the east line of Denniston Street one thousand one hundred sixty-five and twenty-one one-hundredths feet to a point; thence in an easterly direction along a line parallel to Lagrand Avenue eight hundred fifty-nine and thirty-one one-hundredths feet to a point on the east line of Roena Avenue; thence north along the east line of Roena Avenue one thousand four hundred ninety-three and seventy-nine one-hundredths feet to a point on the east-west center line of section 18; thence in an easterly direction along the east-west center line of sections 18 and 17, and the center of Minnesota Avenue two thousand seven hundred ninety-one and eight-tenths feet to a point of beginning; containing two hundred fifty-eight and ten one-hundredths acres, more or less; and being the same land under lease to the United States from 1942 to December 31, 1946, covered by lease contract numbered W2215-ENG-69, between the State of Indiana and the United States, executed April 7, 1942; shown as tract 4 on the military real-estate map of Stout Field, numbered 1627, approved July 6, 1945, on file in the Office, Chief of Engineers.

(3) In time of war or of national emergency heretofore or hereafter declared by the President or the Congress, and upon the request of the Secretary of Defense to the State of Indiana, the United States shall have the right to the exclusive or nonexclusive use of all or any part of the State land for the full period of such war or national emergency without cost to the United States. Upon the expiration of such war or national emergency the use of the State land shall cease in favor of the State of Indiana.

(4) In the event that the State of Indiana shall at any time sell, convey, or otherwise dispose of, or shall attempt to sell, convey, or otherwise dispose of, all or any part of the State or Federal land without the consent of the Secretary of Defense, all of the right, title, and interest in and to the Federal land, including any improvements thereon, shall revert to the United States without cost.

SEC. 3. Nothing herein contained shall prevent the State of Indiana from granting leases of said lands and rights and easements therein and thereon without the consent of the Secretary of Defense providing any such leases, rights, and easements are made subject to the right of use thereof by the United States during war or national emergency.

Approved June 4, 1954.

Leases, etc.

Public Law 387

CHAPTER 263

AN ACT

To amend the Recreation Act of June 14, 1926, to include other public purposes and to permit nonprofit organizations to purchase or lease public lands for certain purposes.

June 4, 1954
[H. R. 1815]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved June 14, 1926 (44 Stat. 741; 43 U. S. C., sec. 869), entitled

Public lands.

"An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes", is hereby amended to read as follows:

Disposal for
public or recrea-
tional purposes.

"SECTION 1. (a) The Secretary of the Interior upon application filed by a duly qualified applicant under section 2 of this Act may, in the manner prescribed by this Act, dispose of any public lands to a State, Territory, county, municipality, or other State, Territorial, or Federal instrumentality or political subdivision for any public purposes, or to a nonprofit corporation or nonprofit association for any recreational or any public purpose consistent with its articles of incorporation or other creating authority. Before the land may be disposed of under this Act it must be shown to the satisfaction of the Secretary that the land is to be used for an established or definitely proposed project. The Secretary may classify public lands in Alaska for disposition under this Act. Lands so classified may not be appropriated under any other public land law unless the Secretary revises such classification or authorizes the disposition of an interest in the lands under other applicable law. If, within eighteen months following such classification, no application has been filed for the purpose for which the lands have been so classified, then the Secretary shall restore such lands to appropriation under the applicable public land laws.

Limitations.

"(b) No more than six hundred and forty acres may be conveyed to any one grantee in any one calendar year.

"(c) Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, Territory, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under this Act only with the consent of such Federal department or agency, or of such State, Territory, or local governmental unit. Nothing in this Act shall be construed to apply to lands in any national forest, national park, or national monument, or national wildlife refuge, or the revested Oregon and California Railroad grant lands in the State of Oregon, or the reconveyed Coos Bay Wagon Road grant lands in the State of Oregon, or to any Indian lands, or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians. Nor shall any disposition be made under this Act for any use authorized under any other law, except for a use authorized under the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C., sec. 682a), as amended.

Sale or lease,
etc.
States, etc.

"SEC. 2. The Secretary of the Interior may after due consideration as to the power value of the land, whether or not withdrawn therefor, (a) sell such land to the State, Territory, county, or other State, Territorial, or Federal instrumentality or political subdivision in which the lands are situated, or to a nearby municipal corporation in the same State or Territory, for the purpose for which the land has been classified, and conveyances of such land for historic-monument purposes under this subsection shall be made without monetary consideration, while conveyances for any other purpose under this subsection shall be made at a price to be fixed by the Secretary of the Interior through appraisal or otherwise, after taking into consideration the purpose for which the lands are to be used; (b) lease such land to the State, Territory, county, or other State, Territorial, or Federal instrumentality or political subdivision in which the lands are situated, or to a nearby municipal corporation in the same State or Territory, for the purpose for which the land has been classified, at a reasonable annual rental, for a period up to twenty years, and, at the discretion of the Secretary, with a privilege of renewal for a like period, (c) sell such land to a nonprofit corporation or nonprofit association, for the purpose for which the land has been classified, at a price to be fixed by the

Historic monum-
ents.

Nonprofit cor-
poration, etc.

Secretary of the Interior through appraisal, after taking into consideration the purpose for which the lands are to be used, or (d) lease such land to a nonprofit corporation or nonprofit association at a reasonable annual rental, for a period up to twenty years, and, at the discretion of the Secretary, with a privilege of renewal for a like period. Each patent or lease so issued shall contain a reservation to the United States of all mineral deposits in the lands conveyed or leased and of the right to mine and remove the same, under applicable laws and regulations to be established by the Secretary. Each lease shall contain a provision for its termination upon a finding by the Secretary that the land has not been used by the lessee for the purpose specified in the lease for such period, not over five years, as may be specified in the lease, or that such land or any part thereof is being devoted to another use.

Reservation to
U.S.

"SEC. 3. Title to lands conveyed by the Government under this Act may not be transferred by the grantee or its successor except, with the consent of the Secretary of the Interior, to a transferee which would be a qualified grantee under section 2 (a) or (c) and subject to the acreage limitation contained in section 1 (b) of this Act. A grantee or its successor may not change the use specified in the conveyance to another or additional use except, with the consent of the Secretary, to a use for which such grantee or its successor could obtain a conveyance under this Act. If at any time after the lands are conveyed by the Government, the grantee or its successor attempts to transfer title to or control over these lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States. The provisions of this section, however, shall cease to be in effect as to any lands patented under this Act twenty-five years after the issuance of patent for such lands.

Title transfer.

"SEC. 4. The Secretary may authorize transfers of title or changes in use in accordance with the provisions of section 3 of this Act with respect to any patent heretofore issued under any Act upon application by a patentee qualified to obtain a conveyance under section 2 (a) or (c) of this Act. If the Secretary, pursuant to such an application, authorizes such transfer or use, all reverter provisions and other limitations on transfer or use, under this or any other Act affecting the lands involved, shall cease to be in effect twenty-five years after the Secretary authorizes the transfer or use for a changed or additional purpose under the provisions of this section.

Authorization.

"SEC. 5. The Act of September 30, 1890, entitled 'An Act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes', and the Act of October 17, 1940, entitled 'An Act to authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska', are hereby repealed."

Repeals.

26 Stat. 502; 54
Stat. 1192.
43 USC 729 and
note.

Approved June 4, 1954.

Public Law 388

CHAPTER 264

AN ACT

To provide for sundry administrative matters affecting the Federal Government, particularly the Army, Navy, Air Force, and State Department, and for other purposes.

June 4, 1954
[H. R. 2225]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where relief has been granted or may hereafter be granted to disbursing officers or agents of the Army, Navy, Air Force, and State Department operating under accounts of advances, under the authority of

Disbursing of-
ficers.
Accounts of ad-
vances.

any Act of Congress containing no provisions for the removal of charges outstanding in the accounts of advances of such Departments, and in all cases where charges have been outstanding in the accounts of advances of the aforesaid Departments for two full fiscal years and have been certified by the head of the Department concerned to the Comptroller General as uncollectible, such charges shall be removed by crediting the appropriate account of advances and debiting any appropriation made available therefor to the Department concerned: *Provided*, That nothing contained in this section shall in any way affect the financial liability of any disbursing officer, agent, or surety of the United States.

34 USC 546j.
Navy Department.
Binoculars.

SEC. 2. Section 5 of the Act of August 7, 1946 (60 Stat. 897, 898), is hereby amended by deleting the period after the word "loaned" and substituting a colon in place thereof, and by adding the following proviso thereto: "*Provided, however*, That claims for the return or replacement of binoculars under this section shall be filed with the Secretary of the Navy on or before December 31, 1954, and the United States shall be under no obligation to return, replace, or pay for binoculars under this section, for which no claim is so filed. After decision on claims submitted pursuant to this section, the Secretary of the Navy is authorized to dispose of any such binoculars held by the Navy in accordance with existing law."

Merchant ships.
Fuel and supplies.

SEC. 3. The Secretary of the Navy is authorized to sell to merchant ships, under such regulations as he may prescribe, and at such prices as he may deem reasonable, such fuel and other supplies as may be required to meet the necessities of such ships and as may not otherwise be locally procurable: *Provided*, That such ships, without such fuel or other emergency supplies to be furnished under this authority, are not able to proceed to the nearest port where such fuel and other supplies can be locally procured without endangering the health and comfort of the personnel, the safety of the ship, or the safe condition of the property thereon: *Provided further*, That the funds received from such sales shall, if not otherwise provided by law, be credited to the current appropriations concerned, and the amounts so credited shall be available for expenditures for the same purposes as the appropriations credited: *And provided further*, That such sales shall be on a cash basis or such other basis as will reasonably assure prompt payment for such supplies.

Transportation
of personal effects.

SEC. 4. Under such regulations as the President may prescribe, appropriations chargeable for the transportation of baggage and household goods and effects of military personnel and civilian employees of departments or agencies of the Federal Government shall be available for the payment or reimbursement of general average contributions required in connection therewith: *Provided*, That no appropriation shall be available for the payment or reimbursement of general average contributions required in connection with and applicable to quantities of baggage and household goods and effects in excess of quantities authorized to be transported by law or regulation pursuant to law; nor shall any appropriations be so available in any case where the military person or civilian employee concerned (a) is allowed under any law or regulation pursuant to law a commutation in lieu of the actual transportation expenses or (b) has himself selected the means of shipment.

Approved June 4, 1954.

Public Law 389

CHAPTER 269

AN ACT

To provide for the incorporation, regulation, merger, consolidation, and dissolution of certain business corporations in the District of Columbia.

June 8, 1954
[H. R. 3704]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

D. C. Business
Corporation Act.

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SHORT TITLE

SECTION 1. This Act shall be known and may be cited as the "District of Columbia Business Corporation Act".

DEFINITIONS

SEC. 2. As used in and for the purposes of this Act, unless the context otherwise requires—

(a) "Corporation" or "domestic corporation", except as used in section 143 of this Act, means a corporation subject to the provisions of this Act, except a foreign corporation.

(b) "Foreign corporation" means a corporation for profit organized under laws other than the laws of the District of Columbia and special Acts of Congress.

(c) "Articles of incorporation" include the original articles of incorporation and all amendments thereto, and include articles of merger or consolidation.

(d) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

(e) "Incorporator" means one of the signers of the original articles of incorporation.

(f) "Shares" are the units into which the shareholders' right to participate in the control of the corporation, in its surplus or profits, or in the distribution of its assets, are divided.

(g) "Shareholder" means one who is a holder of record of shares in a corporation.

(h) "Authorized shares" means the aggregate number of shares of all classes, whether with or without par value, which the corporation is authorized to issue.

(i) Shares of its own stock belonging to a corporation shall be deemed to be "issued" shares, but not "outstanding" shares.

(j) "Stated capital" means, at any particular time, the sum of (1) the par value of all shares then issued having a par value and (2) the consideration received by the corporation for all shares then issued without par value, except such part thereof as may have been allocated otherwise than to stated capital in a manner permitted by law, and (3) such amounts not included in clauses (1) or (2) of this paragraph as may have been transferred to the stated capital account of the corporation, whether upon the issue of shares as a share dividend or otherwise, minus such formal reductions from said sum as may have been effected in a manner permitted by law.

(k) "Paid-in surplus" means all that part of the consideration received by the corporation for, or on account of, all shares issued which does not constitute stated capital, whether heretofore or hereafter created by (1) the receipt by the corporation, for, or on account of, the issuance of shares having a par value of consideration in excess of the par value of such shares or (2) the allocation of any part of the consideration received by the corporation for, or on account of, the issuance of shares in a manner permitted by law or (3) a reduction of stated capital under this Act, minus such formal reductions of paid-in surplus as may have been effected in a manner permitted by law.

(l) "Net assets", for the purpose of determining the right of a corporation to purchase its own shares and of determining the right of a corporation to declare and pay dividends and the liabilities of directors therefor, shall not include shares of its own stock belonging to such corporation.

(m) "Registered office" means that office maintained by the corporation, the address of which is on file with the Commissioners.

(n) "Insolvent" means that the corporation is unable to pay its debts as they become due in the usual course of its business.

(o) "State" means any State, Territory, colony, dependency, or possession of the United States of America, or any foreign country.

(p) "Commissioners" means the Commissioners of the District of Columbia or the agent or agents designated by them to perform any function vested in the Commissioners by this Act.

(q) "District" means the District of Columbia.

(r) "The court", except where otherwise specified, means the United States District Court for the District of Columbia.

PURPOSES

SEC. 3. Corporations for profit may be organized under this Act for any lawful purpose or purposes, except for the purpose of banking or insurance or the acceptance and execution of trusts, the operation of railroads, or building and loan associations: *Provided*, That nothing contained in this Act shall be construed to relieve any public-utility corporation incorporated or reincorporated under the provisions of this Act from complying with all applicable provisions of the laws of the District of Columbia relating to such corporations: *Provided further*, That no corporation may be organized under this Act unless the place where it conducts its principal business is located within the District of Columbia.

GENERAL POWERS

SEC. 4. Each corporation shall have power:

(a) To have perpetual succession by its corporate name unless a limited period of duration is stated in its articles of incorporation.

(b) To sue and be sued, complain and defend, in its corporate name.

(c) To have a corporate seal, which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(d) To purchase, take, receive, lease, take by gift, devise, or bequest, or otherwise acquire, and to own, hold, improve, use, and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(e) To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its property and assets.

(f) To lend money to, and otherwise assist, its employees, other than its officers and directors.

(g) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, loan, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other corporations organized under the laws of the District of Columbia, of foreign corporations, and of associations, partnerships, or individuals.

(h) To make contracts and incur liabilities; to borrow money at such rates of interest as the corporation may determine without regard to the restrictions of any usury law; to issue its notes, bonds, and other obligations; and to secure any of its obligations by mortgage or pledge of all or any of its property, franchises, and income.

(i) To invest its surplus funds from time to time and to lend money for its corporate purposes, and to take and hold real and personal property as security for the payment of funds so invested or loaned.

(j) To conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act within and without the District of Columbia and to exercise in any State, Territory, district, colony, or possession of the United States, or in any foreign country the powers granted by this Act, subject to the laws of such State, Territory, District, colony, or possession of the United States, or such foreign country.

(k) To elect or appoint officers and agents of the corporation, and to define their duties and fix their compensation.

(l) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of the District of Columbia, for the administration and regulation of the affairs of the corporation.

(m) To make contributions to charitable organizations, and, in time of war, to transact any lawful business in aid of the United States.

(n) To cease its corporate activities and surrender its corporate franchise.

(o) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is formed.

(p) To indemnify any and all of its directors or officers or former directors or officers or any person who may have served at its request as a director or officer of another corporation in which it owns shares of capital stock or of which it is a creditor against expenses actually and necessarily incurred by them in connection with the defense of any action, suit, or proceeding in which they, or any of them, are made parties, or a party, by reason of being or having been directors or officers or a director or officer of the corporation, or of such other corporation, except in relation to matters as to which any such director or officer or former director or officer or person shall be adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of duty. Such indemnification shall not be deemed exclusive of any other rights to which those indemnified may be entitled, under any bylaw, agreement, vote of stockholders, or otherwise.

POWER OF CORPORATION TO ACQUIRE ITS OWN SHARES

SEC. 5. A corporation shall have power to purchase, take, receive, or otherwise acquire, hold, own, pledge, transfer, or otherwise dispose of its own shares: *Provided*, That it shall not purchase, either directly or indirectly, its own shares when its net assets are less than the sum of its stated capital, its paid-in surplus, any surplus arising from unrealized appreciation in value or revaluation of its assets and any surplus arising from surrender to the corporation of any of its shares, or when by so doing its net assets would be reduced below such sum. Notwith-

standing the foregoing limitations, a corporation may purchase or otherwise acquire its own shares for the purpose of—

- (a) eliminating fractional shares;
- (b) collecting or compromising claims of the corporation or any indebtedness to the corporation;
- (c) paying dissenting shareholders entitled to payment for their shares under the provisions of this Act;
- (d) effecting the retirement of its redeemable shares by redemption or by purchase at not to exceed the redemption price, but no redemption or purchase of redeemable shares shall be made which will reduce the remaining assets of the corporation below an amount sufficient to pay all debts and known liabilities of the corporation as they mature, except such debts and liabilities as have been otherwise adequately provided for, or which will reduce the net assets below the aggregate amount payable to the holders of shares having prior or equal rights to the assets of the corporation upon dissolution.

DEALING IN REAL ESTATE AS CORPORATE PURPOSE

SEC. 6. A corporation having among its purposes, as set forth in its articles of incorporation, that of acquiring, owning, using, conveying, and otherwise disposing of and dealing in real property or any interest therein, shall have power and authority so to do without limitation.

DEFENSE OF ULTRA VIRES

SEC. 7. No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid by reason of the fact that the corporation was without capacity or power to do such act or to make or receive such conveyance or transfer, but such lack of capacity or power may be asserted—

- (a) in a proceeding by a shareholder against the corporation to enjoin the doing of any act or acts or the transfer of real or personal property by or to the corporation. If the authorized acts or transfer sought to be enjoined are being, or are to be, performed or made pursuant to any contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of such contract, and in so doing may allow to the corporation or to the other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of such contract, but anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained;
- (b) in a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through shareholders in a representative suit, against the incumbent or former officers or directors of the corporation;
- (c) in a proceeding by the Commissioners, as provided in this Act, to dissolve the corporation, or in a proceeding by the Commissioners to enjoin the corporation from the transaction of unauthorized business.

CORPORATE NAME

SEC. 8. The corporate name—

(a) shall contain the word "corporation", "company", "incorporated", or "limited", or shall contain an abbreviation of one of such words;

(b) shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation;

(c) shall not be the same as, or deceptively similar to, the name of any domestic corporation, or that of any corporation organized under any Act of Congress authorizing the formation of corporations under the laws of the District of Columbia, or that of any corporation created pursuant to any special Act of Congress to transact business in the District of Columbia, or that of any foreign corporation authorized to transact business in the District of Columbia, or a name the exclusive right to which is at the time reserved in the manner provided in this Act;

(d) shall not indicate, nor shall any statement be made, that the corporation is organized under an Act of Congress.

RESERVED NAME

SEC. 9. (a) The exclusive right to the use of a corporate name may be reserved by—

(1) any person intending to organize a corporation under this Act or any other Act for the organization of a corporation under the laws of the District of Columbia;

(2) any corporation organized under this Act proposing to change its name;

(3) any corporation organized under any law other than this Act proposing to reincorporate under this Act;

(4) any foreign corporation intending to make application for a certificate of authority to transact business in the District of Columbia;

(5) any foreign corporation authorized to transact business in the District of Columbia and intending to change its name;

(6) any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in the District of Columbia.

(b) The reservation shall be made by filing with the Commissioners an application to reserve a specified corporate name, executed by the applicant. If the Commissioners find that the name is available for corporate use, they shall reserve the same for the exclusive use of the applicant for a period of sixty days.

(c) The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person or corporation by filing with the Commissioners a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

REGISTERED OFFICE AND REGISTERED AGENT

SEC. 10. Each corporation shall have and continuously maintain in the District of Columbia—

(a) a registered office which may be, but need not be, the same as its place of business;

(b) a registered agent, which agent may be either an individual resident in the District of Columbia whose business office is identi-

cal with such registered office, or a corporation authorized by the articles of incorporation to act as such agent and authorized to transact business in the District of Columbia having a business office identical with such registered office.

CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT

SEC. 11. (a) A corporation may change its registered office or change its registered agent, or both, by filing with the Commissioners a statement setting forth—

- (1) the name of the corporation;
- (2) the address, including street and number, if any, of its then registered office;
- (3) if the address of its registered office be changed, the address, including street and number, if any, to which the registered office is to be changed;
- (4) the name of its then registered agent;
- (5) if its registered agent be changed, the name of its successor registered agent;
- (6) that the address of its registered office and the address of the business office of its registered agent as changed, will be identical; and
- (7) that such change was authorized by resolution duly adopted by its board of directors or was authorized by an officer of the corporation duly empowered to make such change.

(b) Such statement shall be executed by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and delivered to the Commissioners. If the Commissioners find that such statement conforms to the provisions of this Act, they shall file such statement.

(c) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Commissioners.

REGISTERED AGENT AS AN AGENT FOR SERVICE

SEC. 12. (a) The registered agent so appointed by a corporation shall be an agent of such corporation upon whom process against the corporation may be served, and upon whom any notice or demand required or permitted by law to be served upon the corporation may be served. Service of any process, notice, or demand upon a corporate agent, as such agent, may be had by delivering a copy of such process, notice, or demand to the president, vice president, the secretary, or an assistant secretary of such corporate agent.

(b) In the event a corporation shall fail to appoint or maintain a registered agent, then the Commissioners are hereby irrevocably appointed as an agent of such corporation upon whom any such process, notice, or demand may be served. Service on the Commissioners of any such process, notice, or demand shall be made by delivering to and leaving with them duplicate copies of such process, notice, or demand. In the event any such process, notice, or demand is served on the Commissioners, they shall immediately cause one of such copies thereof to be forwarded by registered mail, addressed to the corporation at its registered office. Any service so had on the Commissioners shall be returnable in not less than thirty days.

(c) The Commissioners shall keep a record of all processes, notices, and demands served upon them under this section, and shall record therein the time of such service and their action with respect thereto.

(d) Nothing herein contained shall limit or affect the right to serve

any process, notice, or demand, required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

AUTHORIZED SHARES

SEC. 13. (a) Each corporation shall have power to create and issue the number of shares stated in its articles of incorporation. Such shares may be divided into one or more classes, any or all of which classes may consist of shares with par value or shares without par value, with such designations, preferences, voting powers, special or relative rights and such limitations, restrictions, or qualifications thereof as shall be stated in the articles of incorporation. The articles of incorporation may limit or deny the voting power of the shares of any class.

(b) Without limiting the authority herein contained, a corporation, when so provided in its articles of incorporation, may issue shares of preferred or special classes—

(1) subject to the right of the corporation to redeem any of such shares at the price fixed by the articles of incorporation for the redemption thereof;

(2) entitling the holders thereof to cumulative or noncumulative dividends;

(3) having preference over any other class or classes of shares as to the payment of dividends;

(4) having preference as to the assets of the corporation over any other class or classes of shares upon the voluntary or involuntary liquidation of the corporation;

(5) convertible into shares of any other class: *Provided*, That shares without par value shall not be converted into shares with par value unless that part of the stated capital of the corporation represented by such shares without par value is, at the time of conversion, at least equal to the aggregate par value of the shares into which the shares without par value are to be converted.

ISSUANCE OF SHARES OF PREFERRED OR SPECIAL CLASSES IN SERIES

SEC. 14. (a) If the articles of incorporation so provide, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles of incorporation: *Provided*, That all shares of the same class shall be identical except as to the following relative rights and preferences, in respect of any or all of which there may be variations between different series:

(1) The rate of dividend.

(2) The price at and the terms and conditions on which shares may be redeemed.

(3) The amount payable upon shares in event of involuntary liquidation.

(4) The amount payable upon shares in event of voluntary liquidation.

(5) Sinking-fund provisions for the redemption or purchase of shares.

(6) The terms and conditions on which shares may be converted, if the shares of any series are issued with the privilege of conversion.

(b) If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of

incorporation shall not have established series and fixed and determined the variations in the relative rights and preferences as between series, the board of directors shall have authority to divide any or all of such classes into series and, within the limitations set forth in this section, fix and determine the relative rights and preferences of the shares of any series so established: *Provided*, That such authority of the board of directors shall be subject to such further limitations, if any, as are stated in the articles of incorporation and shall always be subject to the limitation that the board of directors shall not create a sinking fund in respect of any series unless provision for a sinking fund at least as beneficial to all issued and outstanding shares of the same class shall either then exist or be at the same time created.

(c) In order for the board of directors to establish a series, where authority so to do is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as shall not be fixed and determined by the articles of incorporation.

(d) Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file with the Commissioners a statement setting forth—

- (1) the name of the corporation;
- (2) a copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof;
- (3) the date of adoption of such resolution;
- (4) that such resolution was duly adopted by the board of directors.

(e) Such statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall, when all franchise taxes, fees, and charges have been paid as in this Act prescribed—

- (1) endorse on each of such duplicate originals the word "Filed", and the month, day, and year of the filing thereof;
- (2) file one of such duplicate originals in their office.

(f) The duplicate original shall be filed for record in the office of the Recorder of Deeds.

(g) Upon the filing of such statement by the Commissioners, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective.

SUBSCRIPTIONS FOR SHARES

SEC. 15. (a) A subscription for shares of a corporation to be organized shall be irrevocable for a period of six months unless otherwise provided by the terms of the subscription agreement, or unless all of the subscribers consent to the revocation of such subscription.

(b) Unless otherwise provided in the subscription agreement, subscriptions for shares, whether made before or after the organization of a corporation, shall be paid in full at such time, or in such installments and at such times, as shall be determined by the board of directors. Any call made by the board of directors for payment on subscriptions shall be uniform as to all shares of the same class. In case of default in the payment of any installment or call when such payment is due, the corporation may proceed to collect the amount due

in the same manner as any debt due the corporation. The bylaws may prescribe other penalties for failure to pay installments or calls that may become due, but no penalty working a forfeiture of the shares, or of the amounts paid thereon, shall be declared as against any subscriber unless the amount due thereon shall remain unpaid for a period of twenty days after written demand has been made therefor. Such written demand shall be deemed to be made when deposited in the United States mail in a sealed envelope addressed to the subscriber at his last post-office address known to the corporation, with the postage thereon prepaid. In the event of the sale of any shares by reason of any forfeiture, the excess of proceeds realized over the amount due and unpaid on such shares shall be paid to the delinquent subscriber or to his legal representative.

CONSIDERATION FOR SHARES

SEC. 16. (a) Shares having a par value may be issued for such consideration, not less than the par value thereof, as shall be fixed from time to time by the board of directors.

(b) Shares without par value may be issued for such consideration as may be fixed from time to time by the board of directors unless the articles of incorporation reserve to the shareholders the right to fix the consideration. In the event that such right be reserved as to any shares, the shareholders shall, prior to the issuance of such shares, fix the consideration to be received for such shares, by a vote of the holders of a majority of all outstanding shares entitled to vote thereon.

(c) Shares of a corporation issued and thereafter acquired by it may be disposed of by the corporation for such consideration as may be fixed from time to time by the board of directors.

(d) That part of the surplus of a corporation which is transferred to stated capital upon the issuance of shares as a share dividend shall be deemed to be the consideration for the issuance of such shares.

(e) In the event of an exchange of issued shares having a par value for a different number of shares having the same aggregate par value, whether of the same or of a different class or classes, or in the event of a conversion of shares, or in the event of an exchange of shares with or without par value into the same or a different number of shares without par value, whether of the same or a different class or classes, the consideration for the shares so issued in exchange shall be deemed to be (1) the consideration originally received for the shares so exchanged or converted; and (2) that part of surplus, if any, transferred to stated capital upon the issuance of shares for the shares so exchanged or converted; and (3) any additional consideration paid to the corporation upon the issuance of shares for the shares so exchanged or converted.

PAYMENT FOR SHARES

SEC. 17. (a) The consideration for the issuance of shares may be paid, in whole or in part, in money, in other property, tangible or intangible, or in labor or services actually performed for the corporation. When payment of the consideration for which shares are to be issued, which, in the case of shares having a par value, shall be not less than the par value thereof, shall have been received by the corporation, such shares shall be deemed to be full paid and nonassessable.

(b) Neither promissory notes nor future services shall constitute payment or part payment for shares of a corporation.

(c) In the absence of fraud in the transaction, the judgment of the board of directors or the shareholders, as the case may be, as to the value of the consideration received for shares shall be conclusive.

DETERMINATION OF AMOUNT OF STATED CAPITAL

SEC. 18. (a) A corporation may determine that only a part of the consideration for which its shares may be issued, from time to time, shall be stated capital: *Provided*, That in the event of any such determination—

(1) if the shares issued shall consist wholly of shares having a par value, then the stated capital represented by such shares shall be not less than the aggregate par value of the shares so issued;

(2) if the shares issued shall consist wholly of shares without par value, all of which shares have a preferential right in the assets of the corporation in the event of its involuntary liquidation, then the stated capital represented by such shares shall be not less than the aggregate preferential amount payable upon such shares in the event of involuntary liquidation;

(3) if the shares issued consist wholly of shares without par value, and none of such shares has a preferential right in the assets of the corporation in the event of its involuntary liquidation, then the stated capital represented by such shares shall be the total consideration received therefor less such part thereof as may be allocated to paid-in surplus;

(4) if the shares issued shall consist of several or all of the classes of shares enumerated in (1), (2), and (3) of this section, then the stated capital represented by such shares shall be not less than the aggregate par value of any shares so issued having a par value and the aggregate preferential amount payable upon any shares so issued without par value having a preferential right in the event of involuntary liquidation.

(b) In order to determine that only a part of the consideration for which shares without par value may be issued from time to time shall be stated capital, the board of directors shall adopt a resolution setting forth the part of such consideration allocated to stated capital and the part otherwise allocated, and expressing such allocation in dollars. If the board of directors shall not have determined (a) at the time of the issuance of any shares issued for cash, or (b) within sixty days after the issuance of any shares issued for labor or services actually performed for the corporation or issued for property other than cash, that only a part of the consideration for shares so issued shall be stated capital, then the stated capital of the corporation represented by such shares shall be an amount equal to the aggregate par value of all such shares having a par value, plus the consideration received for all such shares without par value.

(c) The stated capital of the corporation may be increased from time to time by resolution of the board of directors directing that all or a part of the paid-in or other surplus of the corporation be transferred to stated capital. The board of directors may direct that the amount of the surplus so transferred shall be deemed to be stated capital in respect of any designated class of shares.

EXPENSES OF ORGANIZATION, REORGANIZATION, AND FINANCING

SEC. 19. The reasonable charges and expenses of organization or reorganization of a corporation and reasonable compensation for the sale or underwriting of its shares may be paid or allowed by such corporation out of the consideration received by it in payment for

its shares without thereby rendering such shares not full paid and nonassessable.

CERTIFICATES REPRESENTING SHARES

SEC. 20. (a) The shares of a corporation shall be represented by certificates signed by the president or a vice president and the secretary or an assistant secretary and sealed with the seal of the corporation. Such seal may be a facsimile. Where such a certificate is countersigned by a transfer agent other than the corporation itself or an employee of the corporation, or by a transfer clerk and registered by a registrar, the signatures of the president or vice president and the secretary or assistant secretary upon such certificate may be facsimiles. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if such officer had not ceased to hold such office at the date of its issue.

(b) Every certificate representing shares issued by a corporation which is authorized to issue shares the transferability of which is restricted or limited shall state upon the face or back thereof, in full or in the form of a summary, all of the limitations and restrictions upon the transferability thereof.

(c) Every certificate representing shares issued by a corporation which is authorized to issue shares of more than one class shall state upon the face or back thereof, in full or in the form of a summary, all of the designations, preferences, limitations, and relative rights of the shares of each class authorized to be issued, and, if the corporation is authorized to issue any preferred or special class in series, the variations in the relative rights and preferences between the shares of each such series so far as the same have been fixed and determined and the authority of the board of directors to fix and determine the relative rights and preferences of subsequent series.

(d) Each certificate representing shares shall also state—

(1) that the corporation is organized under the laws of the District of Columbia;

(2) the name of the person to whom issued;

(3) the number and class of shares which such certificate represents;

(4) the par value of each share represented by such certificate, or a statement that the shares are without par value.

(e) No certificate shall be issued for any share until such share is full paid.

ISSUANCE OF FRACTIONAL SHARES OR SCRIP

SEC. 21. A corporation may, but shall not be obliged to, issue a certificate for a fractional share, and, by action of its board of directors, may issue in lieu thereof scrip or other evidence of ownership, which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip or other evidence of ownership aggregating a full share, but which shall not, unless otherwise provided, entitle the holder to exercise any voting right, or to receive dividends thereon or to participate in any of the assets of the corporation in the event of liquidation. The board of directors may cause such scrip or evidence of ownership to be issued subject to the condition that it shall become void if not exchanged for certificates representing full shares before a specified date, or subject to the condition that the shares for which such scrip or evidence of ownership is exchangeable may be sold by the corporation and the proceeds thereof distributed to the holders of such scrip or evidence of ownership, or subject to any other conditions which the board of directors may deem advisable.

LIABILITY OF SUBSCRIBERS AND SHAREHOLDERS

SEC. 22. (a) A holder of or a subscriber to shares of a corporation shall be under no obligation to the corporation or its creditors with respect to such shares other than the obligation to pay to the corporation the full consideration for which said shares were issued or to be issued, which, as to shares having a par value, shall be not less than the par value thereof. Any person becoming an assignee or transferee of shares or of a subscription for shares in good faith and without knowledge or notice that the full consideration therefor has not been paid shall not be personally liable to the corporation or its creditors for any unpaid portion of such consideration.

(b) No person holding shares as executor, administrator, conservator, guardian, trustee, assignee for the benefit of creditors, or receiver shall be personally liable as a shareholder, but the estate and funds in the hands of said executor, administrator, conservator, guardian, trustee, assignee, or receiver shall be so liable. No pledgee or other holder of shares as collateral security shall be personally liable as a shareholder.

SHAREHOLDERS' PREEMPTIVE RIGHTS

SEC. 23. (a) The preemptive right of a shareholder to acquire additional shares of a corporation may be limited or denied to the extent provided in the articles of incorporation.

(b) Unless otherwise provided by its articles of incorporation, any corporation may issue and sell its shares to its employees or to the employees of any subsidiary corporation, without first offering such shares to its shareholders, for such consideration and upon such terms and conditions as shall be approved by the holders of two-thirds of its shares entitled to vote or by its board of directors pursuant to like approval of the shareholders.

BYLAWS

SEC. 24. The power to make, alter, amend, or repeal the bylaws of the corporation shall be vested in the board of directors unless reserved to the shareholders by the articles of incorporation. The bylaws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

MEETINGS OF SHAREHOLDERS

SEC. 25. (a) Meetings of shareholders may be held at such place within or without the District of Columbia as may be provided in the bylaws. In the absence of any such provision, all meetings shall be held at the registered office of the corporation.

(b) An annual meeting of the shareholders shall be held at such time as may be provided in the bylaws. Failure to hold the annual meeting at the designated time shall not work a forfeiture or dissolution of the corporation.

(c) Special meetings of the shareholders may be called by the president, the secretary, the board of directors, the holders of not less than one-fifth of all the outstanding shares entitled to vote, or by such other officers or persons as may be provided in the articles of incorporation or the bylaws.

NOTICE OF SHAREHOLDERS' MEETINGS

SEC. 26. Written or printed notice stating the place, day and hour of the meeting, and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either per-

sonally or by mail, by or at the direction of the president, the secretary, or the officer or person calling the meeting, to each shareholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the shareholder at his address as it appears on the records of the corporation, with postage thereon prepaid.

VOTING OF SHARES

SEC. 27. (a) Unless otherwise provided in the articles of incorporation, each outstanding share shall be entitled to one vote on each matter submitted to a vote at a meeting of shareholders.

(b) Shares of its own stock belonging to a corporation shall not be voted, directly or indirectly, at any meeting and shall not be counted in determining the total number of outstanding shares at any given time, but shares of its own stock held by it in a fiduciary capacity may be voted and shall be counted in determining the total number of outstanding shares at any given time.

(c) A shareholder may vote either in person or by proxy executed in writing by the shareholder or by his duly authorized attorney in fact. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy. Every proxy shall be revocable at the pleasure of the person executing it or his personal representatives or assigns; but the parties to a valid pledge or to an executory contract of sale may agree in writing as to which of them shall vote the stock pledged or sold until the contract of pledge or sale is fully executed.

(d) The articles of incorporation may provide that in all elections for directors every shareholder entitled to vote shall have the right to vote, in person or by proxy, the number of shares owned by him, for as many persons as there are directors to be elected, or to cumulate said shares, and give one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or to distribute such votes on the same principle among any number of such candidates.

CLOSING OF TRANSFER BOOKS AND FIXING RECORD DATE

SEC. 28. For the purpose of determining shareholders entitled to notice of or to vote at any meeting of shareholders, or shareholders entitled to receive payment of any dividend, or in order to make a determination of shareholders for any other proper purpose, the board of directors of a corporation may provide that the stock-transfer books shall be closed for a stated period but not to exceed, in any case, fifty days. If the stock-transfer books shall be closed for the purpose of determining shareholders entitled to notice of or to vote at a meeting of shareholders, such books shall be closed for at least ten days immediately preceding such meeting. In lieu of closing the stock-transfer books, the board of directors may fix in advance a date as the record date for any determination of shareholders, such date in any case to be not more than fifty days and, in case of a meeting of shareholders, not less than ten days prior to the date on which the particular action, requiring such determination of shareholders, is to be taken. If the stock-transfer books are not closed and no record date is fixed for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders, or shareholders entitled to receive payment of a dividend, the date on which notice of the meeting is mailed or the date on which the resolution of the board of directors declaring such dividend is adopted, as the case may be, shall be the record date for such determination of shareholders.

VOTING OF SHARES BY CERTAIN HOLDERS

SEC. 29. (a) Shares standing in the name of another corporation may be voted by such officer, agent, or proxy as the bylaws of such corporation may prescribe, or, in the absence of such provision, as the board of directors of such corporation may determine.

(b) Shares standing in the name of a deceased person may be voted by his administrator or executor, either in person or by proxy. Shares standing in the name of a guardian, conservator, or trustee may be voted by such fiduciary, either in person or by proxy, but no guardian, conservator, or trustee shall be entitled, as such fiduciary, to vote shares held by him without a transfer of such shares into his name.

(c) Shares standing in the name of a receiver or a trustee in bankruptcy may be voted by such receiver or trustee, and shares held by or under the control of a receiver or a trustee in bankruptcy may be voted by such receiver or trustee without the transfer thereof into his name if authority so to do be contained in an appropriate order of the court by which such receiver or trustee in bankruptcy was appointed.

(d) Except as otherwise provided in section 27, a shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

VOTING TRUST

SEC. 30. Any number of shareholders of a corporation may create a voting trust for the purpose of conferring upon a trustee or trustees the right to vote or otherwise represent their shares, for a period of not to exceed ten years, by entering into a written voting trust agreement specifying the terms and conditions of the voting trust, by depositing a counterpart of the agreement with the corporation at its registered office, and by transferring their shares to such trustee or trustees for the purposes of the agreement. The counterpart of the voting-trust agreement so deposited with the corporation shall be subject to the same right of examination by a shareholder of the corporation, in person or by agent or attorney, as is the record of shareholders of the corporation, and shall be subject to examination by any holder of a beneficial interest in the voting trust, either in person or by agent or attorney, at any reasonable time for any proper purpose. The trustee or trustees may execute and deliver to the transferors voting-trust certificates which shall be transferable in the same manner and with the same effect as certificates representing shares.

QUORUM OF SHAREHOLDERS

SEC. 31. (a) Unless otherwise provided in the articles of incorporation or bylaws, a majority of the outstanding shares having voting power, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders: *Provided*, That in no event shall a quorum consist of less than one-third of the outstanding shares having voting power.

(b) The shareholders present at a duly organized meeting may continue to do business until adjournment, notwithstanding the withdrawal of enough shareholders to leave less than a quorum.

(c) If a meeting cannot be organized because a quorum has not attended, those present may adjourn the meeting from time to time until a quorum is present when any business may be transacted that may have been transacted at the meeting as originally called.

BOARD OF DIRECTORS

SEC. 32. The business and affairs of a corporation shall be managed by a board of directors. Directors need not be shareholders in the corporation unless the articles of incorporation or bylaws so provide. The articles of incorporation or bylaws may prescribe other qualifications for directors.

NUMBER AND ELECTION OF DIRECTORS

SEC. 33. The number of directors of a corporation shall not be less than three. Subject to such limitation, the number of directors shall be fixed by the bylaws, except as to the number constituting the first board of directors, which number shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment to the bylaws. In the absence of a bylaw fixing the number of directors, the number shall be the same as that stated in the articles of incorporation. The names and addresses of the members of the first board of directors shall be stated in the articles of incorporation. Such persons shall hold office until the first annual meeting of shareholders, or until their successors shall have been elected and qualified. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting, except as hereinafter provided. Each director shall hold office for the term for which he is elected or until his successor shall have been elected and qualified.

CLASSIFICATION OF DIRECTORS

SEC. 34. The bylaws may provide that the directors be divided into either two or three classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of shareholders after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there be two classes, or until the third succeeding annual meeting, if there be three classes. No classification of directors shall be effective prior to the first annual meeting of shareholders.

VACANCIES

SEC. 35. Any directorship to be filled by reason of an increase in the number of directors may be filled by election at an annual meeting or at a special meeting of shareholders entitled to vote called for that purpose. Any vacancy occurring in the board of directors for any cause other than by reason of an increase in the number of directors may be filled by the board of directors. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

QUORUM OF DIRECTORS

SEC. 36. A majority of the number of directors fixed by the bylaws, or in the absence of a bylaw fixing the number of directors, then of the number stated in the articles of incorporation, shall constitute a quorum for the transaction of business unless a greater number is

required by the articles of incorporation or the bylaws. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by the articles of incorporation or the bylaws.

EXECUTIVE COMMITTEE

SEC. 37. If the bylaws so provide, the board of directors, by resolution adopted by a majority of the number of directors fixed by the bylaws, or in the absence of a bylaw fixing the number of directors, then of the number stated in the articles of incorporation, may designate two or more directors to constitute an executive committee, which committee, to the extent provided in such resolution or in the bylaws of the corporation shall have and may exercise all of the authority of the board of directors in the management of the business and affairs of the corporation; but the designation of such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed upon it or him by law.

PLACE OF DIRECTORS' MEETINGS

SEC. 38. Meetings of the board of directors, regular or special, may be held at such place within or without the District of Columbia as may be provided in the bylaws or by resolution adopted by a majority of the board of directors.

NOTICE OF DIRECTORS' MEETINGS

SEC. 39. Meetings of the board of directors shall be held upon such notice as is prescribed in the bylaws. Attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

DIVIDENDS

SEC. 40. The board of directors of a corporation may declare and the corporation may pay dividends on its outstanding shares in cash, property, or its own shares, subject to the following provisions:

(a) No dividend shall be declared or paid at a time when the corporation is insolvent or its net assets are less than its stated capital, or when payments thereof would render the corporation insolvent or reduce its net assets below its stated capital.

(b) Dividends may be paid out of paid-in surplus or surplus arising from the surrender to the corporation of any of its shares only upon shares having a preferential right to receive dividends, provided that the source of such dividends shall be disclosed to the shareholders receiving such dividends, concurrently with payment thereof. The limitations of this subparagraph shall not limit nor be deemed to conflict with the provisions of this Act in respect of the distribution of assets as a liquidating dividend.

(c) If a dividend is declared payable in its own shares having a par value, such shares shall be issued at the par value thereof and there shall be transferred to stated capital at the time such dividend is paid, an amount of surplus equal to the aggregate par value of the shares to be issued as a dividend.

(d) If a dividend is declared payable in its own shares without par value, such shares shall be issued at such value as shall be fixed by the board of directors by resolution adopted at the time such dividend is declared, and there shall be transferred to stated capital at the time such dividend is paid, an amount of surplus equal to the aggregate value so fixed in respect of such shares. The amount per share transferred to stated capital shall be disclosed to the shareholders receiving such dividends, concurrently with payment thereof.

(e) A split up or division of issued shares into a greater number of shares of the same class shall not be construed to be a share dividend within the meaning of this section.

(f) No dividend shall be declared or paid contrary to any restrictions contained in the articles of incorporation.

(g) Subject to any restrictions contained in its articles of incorporation, the directors of any corporation engaged in the exploitation of wasting assets may determine the net profits derived from the exploitation of such wasting assets without taking into consideration the depletion of such wasting assets resulting from lapse of time or from necessary consumption of such assets incidental to their exploitation and may pay dividends from the net profits so determined by the directors.

DIVIDENDS IN PARTIAL LIQUIDATION

SEC. 41. A corporation, from time to time, may distribute a portion of its assets, in cash or kind, to its shareholders as a liquidating dividend, in the following manner and subject to the following restrictions:

(a) The board of directors shall adopt a resolution recommending the payment of a liquidating dividend, specifying the class or classes of shareholders entitled thereto and the amount thereof, and directing that the question of such distribution be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written or printed notice stating that the purpose or one of the purposes of such meeting is to consider the question of such distribution shall be given to each shareholder of record entitled to vote within the time and in the manner provided in this Act for the giving of notice of meetings of shareholders. If such meeting be an annual meeting, such purpose may be included in the notice of such meeting.

(c) At such meeting a vote of the shareholders entitled to vote shall be taken by classes on the question of the proposed distribution. The affirmative vote of the holders of at least two-thirds of the outstanding shares of each class shall be required for the authorization of such distribution.

(d) No such distribution shall be made at a time when the corporation is insolvent or its net assets are less than its stated capital, or when such distribution would render the corporation insolvent or reduce its net assets below its stated capital.

(e) No such distribution shall be made to any class of shareholders unless all cumulative dividends accrued on preferred or special classes of shares entitled to preferential dividends shall have been fully paid.

(f) No such distribution shall be made to any class of shareholders which will reduce the remaining net assets below the aggregate preferential amount payable in event of voluntary liquidation to the holders of shares having preferential rights to the assets of the corporation in the event of liquidation.

(g) Each such distribution, when made, shall be identified as a liquidating dividend and the amount per share shall be disclosed to the

shareholders receiving the same, concurrently with the payment thereof.

LIABILITY OF DIRECTORS IN CERTAIN CASES

SEC. 42. (a) In addition to any other liabilities imposed by law upon directors of a corporation—

(1) directors of a corporation who vote for or assent to the declaration of any dividend or other distribution of the assets of a corporation to its shareholders contrary to the provisions of this Act, or contrary to any restrictions contained in the articles of incorporation, shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed in excess of the amount of such dividend or distribution which could have been paid or distributed without a violation of the provisions of this Act or any restrictions in the articles of incorporation;

(2) the directors of a corporation who vote for or assent to the declaration of any dividend or other distribution of assets of a corporation to its shareholders which renders the corporation insolvent or reduces its net assets below its stated capital shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed, to the extent that the corporation is thereby rendered insolvent or its net assets are reduced below its stated capital;

(3) the directors of a corporation who vote for or assent to any distribution of assets of a corporation to its shareholders during the liquidation of the corporation without an adequate provision for, or the payment and discharge of, all debts, obligations, and liabilities of the corporation shall be jointly and severally liable to the corporation for the amount of such dividend which is paid or the value of such assets which are distributed, to the extent that such debts, obligations and liabilities of the corporation are not thereafter paid and discharged;

(4) the directors of a corporation who vote for or assent to the making of a loan to an officer or director of the corporation shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

(b) A director of a corporation who is present at a meeting of its board of directors at which action on any corporate matter is taken shall be conclusively presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

(c) A director shall not be liable under either subparagraph (1) or (2) of this section if he relied and acted in good faith upon a balance sheet and profit-and-loss statement of the corporation represented to him to be correct by the president or the officer of such corporation having charge of its books of account, or certified by an independent public or certified public accountant or firm of such accountants to fairly reflect the financial condition of such corporation, nor shall he be so liable if in good faith in determining the amount available for any such dividend or distribution he considered the assets to be of their book value.

(d) Any director against whom a claim shall be asserted under or pursuant to this section, and who shall be held liable thereon, shall be

entitled to contribution from the other directors who are likewise liable thereon.

(e) Any director against whom a claim shall be asserted under or pursuant to this section for the improper declaration of a dividend or other distribution of assets of a corporation and who shall be held liable thereon, shall be entitled to contribution from the shareholders who knowingly accepted or received any such dividend or assets, in proportion to the amounts received by them, respectively.

OFFICERS

SEC. 43. (a) The officers of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. If the bylaws so provide, any two or more offices may be held by the same person, except the offices of president and secretary.

(b) All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the property and affairs of the corporation as may be provided in the bylaws, or as may be determined by resolution of the board of directors not inconsistent with the bylaws.

REMOVAL OF OFFICERS

SEC. 44. Any officer or agent elected or appointed by the board of directors may be removed by the board of directors whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

BOOKS AND RECORDS

SEC. 45. (a) Each corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its shareholders and board of directors; and shall keep at its registered office or principal place of business, or at the office of its transfer agent or registrar, a record of its shareholders, giving the names and addresses of all shareholders and the number and class of the shares held by each.

(b) Any person or persons who shall be the holder or holders of record of at least 5 per centum of all the outstanding shares of a corporation shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, its record of shareholders and to make extracts therefrom.

(c) A holder of a voting-trust certificate evidencing an interest in a voting trust conforming to the provisions of this Act shall have the same rights as a shareholder to examine and make extracts from the record of shareholders of the corporation.

(d) If any person or persons holding in the aggregate 5 per centum or more of all of the outstanding shares of a corporation shall present to any officer, director, or registered agent of the corporation a written request for a statement of its affairs, it shall be his duty to make or procure such a statement sworn to by the president or a vice president or by the treasurer or an assistant treasurer, embracing a particular account of its assets and liabilities in detail, and to have the same ready and on file at the registered office of the corporation within

thirty days after the presentation of such request. Such statement shall at all times during business hours be open to the inspection of any shareholder and he shall be entitled to copy the same.

(e) Any corporation whose officers or agents shall refuse to allow any such shareholder, entitled under the provisions of this section to examine the record of shareholders, or his agent or attorney, so to examine and make extracts from its record of shareholders, for any proper purpose, shall be liable to such shareholder in a penalty of \$50, in addition to any other damages or remedy afforded him by law. It shall be a defense to any action for penalties under this section that the person suing therefor has within two years sold or offered for sale any list of shareholders of such corporation or any other corporation or has aided or abetted any person in procuring any list of shareholders for any such purpose, or has improperly used any information secured through any prior examination of the record of shareholders of such corporation or any other corporation.

(f) Nothing herein contained shall impair the power of any court of competent jurisdiction, upon proof by a shareholder of proper purpose, irrespective of the period of time during which such shareholder shall have been a shareholder of record, and irrespective of the number of shares held by him, to compel by mandamus or otherwise the production for examination by such shareholder of the books and records of account, minutes, and record of shareholders of a corporation.

INCORPORATORS

SEC. 46. Three or more natural persons of the age of twenty-one years or more may act as incorporators of a corporation by signing, verifying, and filing in duplicate in the office of the Commissioners articles of incorporation for such corporation.

ARTICLES OF INCORPORATION

SEC. 47. The articles of incorporation shall set forth:

(a) The name of the corporation.
(b) The period of duration, which may be perpetual.
(c) The purpose or purposes for which the corporation is organized.
(d) The aggregate number of shares which the corporation shall have authority to issue; if said shares are to consist of one class only, the par value of each of said shares, or a statement that all of said shares are without par value; or, if said shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value.

(e) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, voting power, limitations, restrictions, qualifications, and the special or relative rights in respect of the shares of each class.

(f) A statement that the minimum amount of capital with which the corporation shall commence business shall be not less than \$1,000.

(g) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between different series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and determine the variations in the relative rights and preferences as between series.

(h) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the corporation.

(i) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision which under this Act is required or permitted to be set forth in the bylaws.

(j) The address, including street and number, if any, of its initial registered office, and the name of its initial registered agent at such address.

(k) The number of directors constituting the initial board of directors and the names and addresses, including street and number, if any, of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors be elected and qualify.

(l) The name and address, including street and number, if any, of each incorporator.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this Act. Whenever a provision of the articles of incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling.

FILING OF ARTICLES OF INCORPORATION

SEC. 48. (a) Duplicate originals of the articles of incorporation shall be delivered to the Commissioners. If the Commissioners find that the articles of incorporation conform to law, they shall, when all fees have been paid as in this Act prescribed—

(1) endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of incorporation to which they shall affix the other duplicate original.

(b) The certificate of incorporation, together with the duplicate original of the articles of incorporation affixed thereto by the Commissioners, shall be recorded by the Commissioners in the office of the Recorder of Deeds.

EFFECT OF ISSUANCE OF CERTIFICATE OF INCORPORATION

SEC. 49. Upon the issuance of the certificate of incorporation, the corporate existence shall begin, and such certificate of incorporation shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this Act, except as against the District of Columbia in a proceeding to cancel or revoke the certificate of incorporation.

REQUIREMENT BEFORE COMMENCING BUSINESS

SEC. 50. A corporation shall not transact any business or incur any indebtedness, except such as shall be incidental to its organization or to obtaining subscriptions to or payment for its shares, until at least the minimum amount of capital set forth in its articles of incorporation as the minimum amount of capital with which it will commence business has been fully paid in.

ORGANIZATION MEETING OF DIRECTORS

SEC. 51. After the issuance of the certificate of incorporation an organization meeting of the board of directors named in the articles of incorporation shall be held within the United States, at the call of a majority of the directors so named, for the purpose of adopting bylaws (unless the power to adopt bylaws has been reserved by the

articles of incorporation to the shareholders, in which event the bylaws shall be adopted by the shareholders), electing officers, and the transaction of such other business as may come before the meeting. The directors calling the meeting shall give at least five days' notice thereof by mail to each director so elected, which notice shall state the time and place of the meeting: *Provided, however,* That if all the directors shall waive notice in writing and fix a time and place for said organization meeting no notice shall be required of such meeting.

RIGHT TO AMEND ARTICLES OF INCORPORATION

SEC. 52. A corporation may amend its articles of incorporation, from time to time, in any and as many respects as may be desired: *Provided,* That its articles of incorporation as amended contain only such provisions as might be lawfully contained in original articles of incorporation if made at the time of making such amendment, and, if a change in shares or the rights of shareholders, or an exchange, reclassification, or cancellation of shares or rights of shareholders is to be made, such provisions as may be necessary to effect such change, exchange, reclassification, or cancellation.

In particular, and without limitation upon such general power of amendment, a corporation may amend its articles of incorporation, from time to time, so as:

- (a) To change its corporate name.
- (b) To change its period of duration.
- (c) To change, enlarge, or diminish its corporate purposes.
- (d) To increase or decrease the aggregate number of shares, or shares of any class, which the corporation has authority to issue.
- (e) To increase or decrease the par value of the authorized shares of any class having a par value, whether issued or unissued.
- (f) To exchange, classify, reclassify, or cancel all or any part of its shares, whether issued or unissued.
- (g) To change the designations of all or any part of its shares, whether issued or unissued, and to change the preferences, voting power, qualifications, limitations, restrictions, and the special or relative rights in respect of all or any part of its shares, whether issued or unissued.
- (h) To divide any preferred or special class of shares, whether issued or unissued, into series and fix and determine the designations of such series and the variations in the relative rights and preferences as between the shares of such series.
- (i) To authorize the board of directors to establish, out of authorized but unissued shares, series of any preferred or special class of shares and fix and determine the relative rights and preferences of the shares of any series so established.
- (j) To authorize the board of directors to fix and determine the relative rights and preferences of the authorized but unissued shares of series theretofore established in respect of which either the relative rights and preferences have not been fixed and determined or the relative rights and preferences theretofore fixed and determined are to be changed.
- (k) To revoke, diminish, or enlarge the authority of the board of directors to establish series out of authorized but unissued shares of any preferred or special class and fix and determine the relative rights and preferences of the shares of any series so established.
- (l) To change shares having a par value, whether issued or unissued, into the same or a different number of shares without par value, and to change shares without par value, whether issued or unissued, into the same or a different number of shares having a par value.

(m) To change the share of any class, whether issued or unissued, and whether with or without par value, into a different number of shares of the same class or into the same or a different number of shares, either with or without par value, of other classes.

(n) To create new classes of shares having rights and preferences either prior and superior or subordinate and inferior to the shares of any class then authorized, whether issued or unissued.

(o) To limit, deny, or grant to shareholders of any class the preemptive right to subscribe for or acquire additional shares of the corporation, whether then or thereafter authorized.

PROCEDURE TO AMEND ARTICLES OF INCORPORATION BEFORE ACCEPTANCE
OF SUBSCRIPTIONS TO SHARES

SEC. 53. Amendments to the articles of incorporation before any subscriptions to shares have been accepted by the board of directors shall be made in the following manner:

(a) Amendments to the articles of incorporation modifying, changing, or altering the original articles of incorporation shall be signed by all of the living or competent incorporators who signed the original articles of incorporation, verified and filed in duplicate by the Commissioners. Such amended articles of incorporation shall contain only such provisions as might be lawfully contained in original articles of incorporation if made at the time of making such amended articles of incorporation.

(b) Such amended articles of incorporation shall be delivered in duplicate original to the Commissioners. If the Commissioners find that such amended articles of incorporation conform to law, they shall, when all fees have been paid as in this Act prescribed—

(1) endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) the other duplicate original shall be recorded in the office of the Recorder of Deeds.

(c) Upon the issuance of the amended articles of incorporation, the amended articles of incorporation shall become effective and shall take the place of the original articles of incorporation.

PROCEDURE TO AMEND ARTICLES OF INCORPORATION AFTER ACCEPTANCE
OF SUBSCRIPTION TO SHARES

SEC. 54. Amendments to the articles of incorporation shall be made in the following manner:

(a) The board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written or printed notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder of record entitled to vote at such meeting within the time and in the manner provided in this Act for the giving of notice of meetings of shareholders. If the meeting be an annual meeting, the proposed amendment or such summary shall be included in the notice of such annual meeting.

(c) At such meeting a vote of the shareholders entitled to vote shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote, unless any class of shares is entitled to vote as a class in respect thereof, as hereinafter provided, in which event the proposed amendment shall be adopted

upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class in respect thereof and of the total outstanding shares entitled to vote.

(d) Any number of amendments may be submitted to the shareholders, and voted upon by them, at one meeting.

WHEN ENTITLED TO VOTE BY CLASSES

SEC. 55. The holders of the outstanding shares of a class whether by the provisions of the articles of incorporation such class of stock is entitled to vote or not shall be entitled to vote as a class upon a proposed amendment which would—

(a) Increase or decrease the aggregate number of authorized shares of such class.

(b) Increase or decrease the par value of the shares of such class.

(c) Effect an exchange, reclassification, or cancellation of all or part of the shares of such class.

(d) Effect an exchange, or create a right of exchange, of all or any part of the shares of another class into the shares of such class.

(e) Change the designations, preferences, limitations, voting, or relative rights of the shares of such class.

(f) Change the shares of such class having a par value into the same or a different number of shares without par value, or change the shares of such class without par value into the same or a different number of shares having a par value.

(g) Change the shares of such class, whether with or without par value, into a different number of shares of the same class, or into the same or a different number of shares, either with or without par value, of other classes.

(h) In the case of a preferred or special class of shares, divide the shares of such class into series and fix and determine the designation of such series and the variations in the relative rights and preferences between the shares of such series.

(i) Create a new class of shares having rights and preferences prior and superior to the shares of such class.

(j) Limit or deny the existing preemptive rights of the shares of such class.

ARTICLES OF AMENDMENT

SEC. 56. (a) The articles of amendment shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and shall set forth—

(1) the name of the corporation;

(2) the amendment so adopted;

(3) the date of the adoption of the amendment by the shareholders;

(4) the number of shares outstanding, and the number of shares entitled to vote, and if the shares of any class are entitled to vote as a class, the designation of each such class and the number of outstanding shares thereof entitled to vote;

(5) the number of shares voted for and against such amendment, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against such amendment, respectively;

(6) if such amendment provides for an exchange, reclassification, or cancellation of issued shares, and if the manner in which the same shall be effected is not set forth in the amendment, then a statement of the manner in which the same shall be effected;

(7) if such amendment effects a change in the amount of stated capital, or paid-in surplus, or both, then a statement of the manner in which the same is effected and a statement, expressed in dollars, of the amount of stated capital and the amount of paid-in surplus as changed by such amendment.

(b) If issued shares without par value are changed into the same or a different number of shares having par value, the aggregate par value of the shares into which the shares without par value are changed shall not exceed the sum of (1) the amount of stated capital represented by such shares without par value, and (2) the amount of surplus, if any, transferred to stated capital on account of such change, and (3) any additional consideration paid for such shares with par value and allocated to stated capital.

FILING OF ARTICLES OF AMENDMENT

SEC. 57. (a) Duplicate originals of the articles of amendment shall be delivered to the Commissioners. If the Commissioners find that the articles of amendment conform to law, they shall, when all fees and taxes have been paid as in this Act prescribed—

- (1) endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof;
- (2) file one of such duplicate originals in their office;
- (3) issue a certificate of amendment to which they shall affix the other duplicate original.

(b) The certificate of amendment with the duplicate original of the articles of amendment affixed thereto shall be recorded in the office of the Recorder of Deeds.

EFFECT OF CERTIFICATE OF AMENDMENT

SEC. 58. (a) Upon the issuance of the certificate of amendment, the amendment shall become effective and the articles of incorporation shall be deemed to be amended accordingly.

(b) No amendment shall affect any existing cause of action in favor of or against such corporation, or any pending suit to which such corporation shall be a party, or the existing rights of persons other than shareholders; and, in the event the corporate name shall be changed by amendment, no suit brought by or against such corporation under its former name shall abate for that reason.

REDEMPTION AND CANCELLATION OF SHARES

SEC. 59. (a) If the articles of incorporation provide that redeemable shares redeemed, or purchased or otherwise acquired by the corporation, shall be canceled and shall not be reissued, then, in the event of such cancellation of shares, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so canceled.

(b) No redemption or purchase of redeemable shares shall be made which will reduce the remaining assets of the corporation below an amount sufficient to pay all debts and known liabilities of the corporation as they mature, except such debts and liabilities as have been otherwise adequately provided for, or which will reduce the net assets below the aggregate amount payable to the holders of shares having prior or equal rights to the assets of the corporation upon dissolution.

(c) When redeemable shares of a corporation have been canceled pursuant to the provisions of the articles of incorporation, a statement shall be executed in duplicate by the corporation by its president

or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by the secretary or an assistant secretary, which statement shall set forth—

- (1) the name of the corporation;
 - (2) the aggregate number of shares which the corporation had authority to issue, itemized by classes and series;
 - (3) the number of shares canceled, itemized by classes and series;
 - (4) the number of shares which the corporation has authority to issue, itemized by classes and series, after giving effect to such cancellation;
 - (5) a statement of the aggregate number of issued shares itemized by classes, par value of shares, shares without par value, and series, if any, within a class, after giving effect to the cancellation;
 - (6) a statement, expressed in dollars, of the amount of the stated capital and the amount of paid-in surplus of the corporation after giving effect to such cancellation.
- (d) Such statement shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall—
- (1) endorse on each of such duplicate originals the word "Filed", and the month, day, and year of the filing thereof;
 - (2) file one of such duplicate originals in their office.
- (e) The duplicate original shall be recorded in the office of the Recorder of Deeds.
- (f) The filing of such statement by the Commissioners shall operate as an amendment to the articles of incorporation and shall reduce the number of shares of the class so canceled which the corporation is authorized to issue by the number of shares so canceled.
- (g) Nothing contained in this section shall be construed to forbid a reduction of authorized shares or a reduction of stated capital in any other manner permitted by this Act.

CANCELLATION OF REACQUIRED SHARES

SEC. 60. (a) A corporation may at any time, by resolution of its board of directors, cancel all or any part of the shares of the corporation of any class reacquired by it through redemption, purchase, or otherwise, and in the event of such cancellation a statement of cancellation shall be filed as provided in this section. When any reacquired shares have been canceled by resolution of the board of directors, a statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by the secretary or assistant secretary, which statement shall set forth—

- (1) the name of the corporation;
- (2) the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class;
- (3) the aggregate number of issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class before giving effect to such cancellation;
- (4) the number of shares canceled, itemized by classes, par value of shares, shares without par value, and series, if any, within a class;
- (5) a statement that the shares so canceled were canceled by a resolution duly adopted by the board of directors;
- (6) the aggregate number of issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, after giving effect to such cancellation;

(7) a statement, expressed in dollars, of the amount of the stated capital and the amount of the paid-in surplus of the corporation before giving effect to such cancellation;

(8) a statement, expressed in dollars, of the amount of the stated capital and the amount of the paid-in surplus of the corporation after giving effect to such cancellation.

(b) Such statement shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall—

(1) endorse on each of such duplicate originals the word “Filed”, and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) the other duplicate original shall be recorded in the office of the Recorder of Deeds.

(c) Upon the filing of such statement by the Commissioners, the stated capital of the corporation shall be deemed to be reduced by that part of the stated capital which was, at the time of such cancellation, represented by the shares so canceled and the shares so canceled shall be deemed to be authorized but unissued shares.

(d) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of stated capital in any other manner permitted by this Act.

REDUCTION OF STATED CAPITAL IN CERTAIN CASES

SEC. 61. (a) The reduction of the stated capital of a corporation where such reduction is not accompanied by an exchange, reclassification, or cancellation of shares, or by a reduction in the par value of issued shares, or by a reduction of the number of authorized shares of any class below the number of issued shares of that class, or by a redemption and cancellation of shares, may be made in the following manner:

(1) The board of directors shall adopt a resolution setting forth the amount of the proposed reduction and the manner in which the reduction shall be effected, and directing that the question of such reduction be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(2) Written or printed notice, stating that the purpose or one of the purposes of such meeting is to consider the question of reducing the stated capital of the corporation, shall be given to each shareholder of record entitled to vote within the time and in the manner provided in this Act for the giving of notice of meetings of shareholders.

(3) At such meeting a vote of the shareholders entitled to vote shall be taken on the question of the proposed reduction of stated capital, which shall require for its adoption the affirmative vote of the holders of at least a majority of the outstanding shares entitled to vote.

(b) When a reduction of the stated capital of a corporation has been approved as provided in this section, a statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by the secretary or an assistant secretary, which statement shall set forth—

(1) the name of the corporation;

(2) a copy of the resolution of the shareholders approving such reduction;

(3) the total number of shares outstanding and the number of shares entitled to vote;

(4) the number of shares voted for and against such reduction, respectively;

(5) a statement of the manner in which such reduction is effected, and a statement, expressed in dollars, of the amount of stated capital and the amount of paid-in surplus of the corporation adjusted to give effect to such reduction.

(c) Such statement shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall, when all fees have been paid as in this Act prescribed—

(1) endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) the other duplicate original shall be recorded in the office of the Recorder of Deeds.

SEC. 62. (a) No reduction of stated capital shall be made under the provisions of section 61 which would reduce the amount of the aggregate stated capital of the corporation to an amount less than the aggregate preferential amounts payable upon all issued shares having a preferential right in the assets of the corporation in the event of involuntary liquidation, plus the aggregate par value, after such reduction, of all issued shares having a par value but no preferential right in the assets of the corporation in the event of involuntary liquidation.

(b) The surplus, if any, created by or arising out of the reduction of the stated capital of a corporation shall be deemed to be paid-in surplus, except where such reduction is effected by the cancellation of its own shares belonging to the corporation, or by the redemption and cancellation of shares, in either of which events the paid-in surplus, if any, created by such reduction shall not exceed the amount by which the stated capital represented by such shares exceeded the cost thereof to the corporation.

REDUCTION OF PAID-IN SURPLUS

SEC. 63. A corporation may, by resolution of its board of directors, apply any part or all of its paid-in surplus to the payment of dividends as permitted by section 40 of this Act, or to the distribution of liquidating dividends as permitted by section 41 of this Act, to the payment of reasonable compensation for the sale or underwriting of its shares as permitted by section 19 of this Act, the reduction or elimination of any deficit arising from operating or other losses or from diminution in value of its assets.

PROCEDURE FOR MERGER

SEC. 64. Any two or more domestic corporations may merge into one of such corporations in the following manner:

The board of directors of each corporation shall, by resolution adopted by a majority vote of the members of each such board, approve a plan of merger setting forth:

(a) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(b) The terms and conditions of the proposed merger.

(c) The manner and basis of converting the shares of each merging corporation into shares or other securities or obligations of the surviving corporation.

(d) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(e) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

PROCEDURE FOR CONSOLIDATION

SEC. 65. Any two or more domestic corporations may consolidate into a new corporation in the following manner:

The board of directors of each corporation, shall by a resolution adopted by a majority vote of the members of each such board, approve a plan of consolidation setting forth:

(a) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to consolidate, which is hereinafter designated as the new corporation.

(b) The terms and conditions of the proposed consolidation.

(c) The manner and basis of converting the shares of each corporation into shares, or other securities, or obligations of the new corporation.

(d) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this Act.

(e) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

MEETINGS OF SHAREHOLDERS

SEC. 66. The board of directors of each corporation, upon approving such plan of merger or plan of consolidation, shall, by resolution, direct that the plan be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting. Written or printed notice shall be delivered not less than twenty days before such meeting, either personally or by mail, to each shareholder of record entitled to vote at such meeting. Such notice shall state the place, day, hour, and purpose of the meeting, and a copy or a summary of the plan of merger or plan of consolidation, as the case may be, shall be included in or enclosed with such notice.

APPROVAL BY SHAREHOLDERS

SEC. 67. At each such meeting, a vote of the shareholders shall be taken on the proposed plan of merger or consolidation. The plan of merger or consolidation shall be approved upon receiving the affirmative vote of the holders of two-thirds of the outstanding shares of each corporation unless as to any of such corporations two or more classes of shares are issued in which event as to such corporation or corporations the plan of merger or consolidation shall be approved upon receiving the affirmative vote of at least two-thirds of the outstanding shares of each such class.

ARTICLES OF MERGER OR CONSOLIDATION

SEC. 68. (a) Upon such approval, articles of merger or articles of consolidation shall be executed in duplicate by each corporation by its president or a vice president, and verified by him, and the corporate seal of each corporation shall be thereto affixed, attested by its secretary or an assistant secretary, and shall set forth—

(1) the plan of merger or the plan of consolidation;

(2) as to each corporation, the number of shares outstanding, and if there are two or more classes of shares issued, the designation of each such class and the number of shares thereof outstanding;

(3) as to each corporation, the number of shares voted for and against such plan respectively, and, if there are two or more classes

of shares issued the number of shares of each such class voted for and against such plan, respectively.

(b) Such articles of merger or consolidation shall be delivered to the Commissioners. If the Commissioners find that such articles of merger or consolidation conform to law, they shall, when all fees have been paid as in this Act prescribed—

(1) endorse on each of such duplicate originals the word “Filed” and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of merger or certificate of consolidation to which they shall attach the other duplicate original.

(c) The certificate of merger or certificate of consolidation, together with the duplicate original affixed thereto, shall be recorded in the office of the Recorder of Deeds.

EFFECTIVE DATE OF MERGER OR CONSOLIDATION

SEC. 69. Upon the issuance of the certificate of merger or the certificate of consolidation by the Commissioners, the merger or consolidation shall be effected.

EFFECT OF MERGER OR CONSOLIDATION

SEC. 70. When such merger or consolidation has been effected:

(a) The several corporations parties to the plan of merger or consolidation shall be a single corporation, which, in the case of a merger, shall be that corporation designated in the plan of merger as the surviving corporation, and, in the case of a consolidation, shall be the new corporation provided for in the plan of consolidation.

(b) The separate existence of all corporations parties to the plan of merger or consolidation, except the surviving or new corporation, shall cease.

(c) Such surviving or new corporation, as the case may be, shall have all the rights, privileges, immunities, and powers and shall be subject to all the duties and liabilities of a corporation organized under this Act.

(d) Such surviving or new corporation shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, as well of a public as a private nature, of each of the merging or consolidating corporations; and all property—real, personal, and mixed—and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest, of or belonging to or due to each of the corporations so merged or consolidated, shall be taken and deemed to be transferred to and vested in such single corporation without further act or deed; and the title to any real estate, or any interest therein, vested in any of such corporations shall not revert or be in any way impaired by reason of such merger or consolidation.

(e) Such surviving or new corporation shall thenceforth be responsible and liable for all the liabilities and obligations of each of the corporations so merged or consolidated; and any claim existing or action or proceeding pending by or against any of such corporations may be prosecuted to judgment as if such merger or consolidation had not taken place, or such surviving or new corporation may be substituted in its place. Neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such merger or consolidation.

(f) In the case of a merger, the articles of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the

articles of merger; and, in the case of a consolidation, the statements set forth in the articles of consolidation and which are required or permitted to be set forth in the articles of incorporation of corporations organized under this Act shall be deemed to be the articles of incorporation of the new corporation.

(g) The aggregate amount of the net assets of the merging or consolidating corporations which was available for the payment of dividends immediately prior to such merger or consolidation, to the extent that the amount thereof is not transferred to stated capital by the issuance of shares or otherwise, shall continue to be available for the payment of dividends by such surviving or new corporation.

MERGER OR CONSOLIDATION OF DOMESTIC AND FOREIGN CORPORATIONS

SEC. 71. One or more foreign corporations and one or more domestic corporations may be merged or consolidated if permitted by the laws of the State under which each such foreign corporation is organized:

(a) Each domestic corporation shall comply with the provisions of this Act with respect to the merger or consolidation, as the case may be, of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the State under which it is organized.

(b) If the surviving or new corporation, as the case may be, is to be governed by the laws of any State other than the District of Columbia, it shall comply with the provisions of this Act with respect to foreign corporations if it is to do business in the District of Columbia, and in every case it shall file with the Commissioners—

(1) an agreement that it may be served with process in the District of Columbia in any proceeding for the enforcement of any obligation of any domestic corporation which is a party to such merger or consolidation and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation;

(2) an irrevocable appointment of the Commissioners of the District of Columbia as its agent to accept service of process in any such proceeding; and

(3) an agreement that it will promptly pay to the dissenting shareholders of any such domestic corporation the amount, if any, to which they shall be entitled under the provisions of this Act with respect to the rights of dissenting shareholders.

(c) The effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations, if the surviving or new corporation is to be governed by the laws of the District of Columbia. If the surviving or new corporation is to be governed by the laws of any jurisdiction other than the District of Columbia, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of such other jurisdiction provide otherwise.

MERGER OF PARENT CORPORATION AND WHOLLY OWNED SUBSIDIARY

SEC. 72. (a) Any corporation now or hereafter organized under the provisions hereof or existing under the laws of the District of Columbia, for the purpose of carrying on any kind of business authorized by this Act, owning all of the stock of any other corporation now or hereafter organized hereunder or existing under the laws of the District of Columbia, or now or hereafter organized under the laws of any other State of the United States of America, if the laws under which said other corporation is formed shall permit a merger as herein

provided, may file, in duplicate original with the Commissioners, a certificate of such ownership in its name and under its corporate seal, signed by its president or a vice president, and its secretary or assistant secretary, and setting forth a copy of the resolution of its board of directors to merge such other corporation, and to assume all of its obligations and the date of the adoption thereof. If the Commissioners find that such certificate of ownership conforms to law, they shall, when all fees have been paid as in this Act prescribed—

- (1) endorse on each of such duplicate originals the word “Filed”, and the month, day, and year of the filing thereof;
- (2) file one of such duplicate originals in their office;
- (3) issue a certificate of ownership to which they shall affix the other duplicate original.

(b) The certificate of merger or certificate of consolidation, together with the duplicate original affixed thereto, shall be recorded in the office of the Recorder of Deeds.

(c) Upon the issuance of the certificate of ownership, the merger shall be effected and thereupon all of the estate, property, rights, privileges, and franchises of such other corporation shall vest in and be held and enjoyed by such parent corporation as fully and entirely and without change or diminution as the same were before held and enjoyed by such other corporation, and be managed and controlled by such parent corporation, and except as hereinafter in this section provided, in its name, but subject to all liabilities and obligations of such other corporation and the rights of all creditors thereof. The parent corporation shall not thereby acquire power to engage in any business, or to exercise any right, privilege, or franchise, of a kind which it could not lawfully engage in or exercise under the provisions of the law or laws by or pursuant to which such parent corporation is organized, or operates in the District of Columbia. The parent corporation shall be deemed to have assumed all of the obligations and liabilities of the merged corporation and shall be liable in the same manner as if it had itself incurred such liabilities and obligations. The parent corporation may relinquish its corporate name and assume in lieu thereof the name of the merged corporation, by including it in a provision to that effect in the resolution of merger adopted by the directors and set forth in the certificate of ownership, and upon the filing of such certificate the change of name shall be completed, with the same force and effect and subject to the same conditions and consequences as if such change had been accomplished by proceedings under the appropriate section of this Act.

RIGHTS OF DISSENTING SHAREHOLDERS

SEC. 73. (a) If a shareholder of a corporation which is a party to a merger or consolidation shall file with such corporation, prior to or at the meeting of shareholders at which the plan of merger or consolidation is submitted to a vote, a written objection to such plan of merger or consolidation, and shall not vote in favor thereof, and such shareholder, within twenty days after the merger or consolidation is effected, shall make written demand on the surviving or new corporation for payment of the fair value of his shares as of the day prior to the date on which the vote was taken approving the merger or consolidation, the surviving or new corporation shall pay to such shareholder, upon surrender of his certificate or certificates representing said shares, such fair value thereof. Such demand shall state the number and class of the shares owned by such dissenting shareholder. Any shareholder failing to make demand within the twenty-day period shall be bound by the terms of the merger or consolidation.

(b) If within thirty days after the date on which such merger or consolidation was effected the value of such shares is agreed upon between the dissenting shareholder and the surviving or new corporation payment therefor shall be made within ninety days after the date on which such merger or consolidation was effected, upon the surrender of his certificate or certificates representing said shares. Upon payment of the agreed value the dissenting shareholder shall cease to have any interest in such shares or in the corporation.

(c) If within such period of thirty days the shareholder and the surviving or new corporation do not so agree, then the dissenting shareholder may, within sixty days after the expiration of the thirty-day period, file a petition in any court of competent jurisdiction within the District of Columbia, asking for a finding and determination of the fair value of such shares, and shall be entitled to judgment against the surviving or new corporation for the amount of such fair value as of the day prior to the date on which such vote was taken approving such merger or consolidation, together with interest thereon at the rate of 5 per centum per annum to the date of such judgment. The judgment shall be payable only upon and simultaneously with the surrender to the surviving or new corporation of the certificate or certificates representing said shares. Upon payment of the judgment, the dissenting shareholder shall cease to have any interest in such shares or in the surviving or new corporation. Such shares may be held and disposed of by the surviving or new corporation as it may see fit. Unless the dissenting shareholder shall file such petition within the time herein limited, such shareholder and all persons claiming under him shall be bound by the terms of the merger or consolidation.

(d) The right of a dissenting shareholder to be paid the fair value of his shares as herein provided shall cease if and when the corporation shall abandon the merger or consolidation.

SALE, LEASE, EXCHANGE, OR MORTGAGE OF ASSETS IN USUAL AND REGULAR
COURSE OF BUSINESS

SEC. 74. The sale, lease, exchange, mortgage, pledge, or other disposition of less than all, or less than substantially all, the property and assets of a corporation, when made in the usual and regular course of the business of the corporation, may be made upon such terms and conditions and for such considerations, which may consist in whole or in part, of money or property, real or personal, including shares of any other corporation, whether or not such other corporation be organized under the provisions of this Act, as shall be authorized by its board of directors; and in such case no authorization or consent of the shareholders shall be required.

SALE, LEASE, EXCHANGE, OR MORTGAGE OF ASSETS OTHER THAN IN USUAL
AND REGULAR COURSE OF BUSINESS

SEC. 75. A sale, lease, exchange, mortgage, pledge, or other disposition of all, or substantially all, the property and assets, with or without the good will, of a corporation, may be made upon such terms and conditions and for such consideration, which may consist, in whole or in part, of money or property, real or personal, including shares of any other corporation, whether or not such other corporation be organized under the provisions of this Act, as may be authorized in the following manner:

(a) The board of directors shall adopt a resolution recommending such sale, lease, exchange, mortgage, pledge, or other disposition and directing the submission thereof to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the sale, lease, exchange, mortgage, pledge, or other disposition of all, or substantially all, the property and assets of the corporation shall be given to each shareholder of record entitled to vote within the time and in the manner provided by this Act for the giving of notice of meetings of shareholders.

(c) At such meetings the shareholders may authorize such sale, lease, exchange, mortgage, pledge, or other disposition and fix, or may authorize the board of directors to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such authorization shall require the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote, unless there are two or more classes of stock issued and outstanding and entitled to vote, in which event such authorization shall require the affirmative vote of the holders of at least two-thirds of the outstanding shares of each such class of shares issued and outstanding and entitled to vote.

(d) After such authorization by a vote of shareholders, the board of directors nevertheless, in its discretion, may abandon such sale, lease, exchange, mortgage, pledge, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action or approval by shareholders.

VOLUNTARY DISSOLUTION OF CORPORATION BY ITS INCORPORATORS

SEC. 76. A corporation which has not commenced business and which has not issued any shares may be voluntarily dissolved by its incorporators at any time within one year from the date of the issuance of its certificate of incorporation in the following manner:

(a) Articles of dissolution shall be executed in duplicate by a majority of the incorporators, and verified by them, and shall set forth—

- (1) the name of the corporation;
- (2) the date of issuance of its certificate of incorporation;
- (3) that none of its shares have been issued;
- (4) that the corporation has not commenced business;
- (5) that the amount, if any, actually paid in on subscriptions to its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto;
- (6) that no debts of the corporation remain unpaid;
- (7) that all the incorporators elect that the corporation be dissolved.

(b) Duplicate originals of the articles of dissolution shall be delivered to the Commissioners. If the Commissioners find that the articles of dissolution conform to law, they shall, when all fees and charges have been paid as in this Act prescribed—

- (1) endorse on each of such duplicate originals the word "Filed", and the month, day, and year of the filing thereof;
- (2) file one of such duplicate originals in their office;
- (3) issue a certificate of dissolution to which they shall affix the other duplicate original.

(c) The certificate of dissolution, together with the duplicate original affixed thereto, shall be recorded in the office of the Recorder of Deeds.

(d) Upon the issuance of such certificate of dissolution the existence of the corporation shall cease.

DISSOLUTION BY CONSENT OF SHAREHOLDERS

SEC. 77. A corporation may be dissolved by the written consent of the holders of record of all of its outstanding shares in the following manner:

Upon the execution of such written consent by all the shareholders of record, a statement of intent to dissolve shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, which shall set forth and contain—

- (a) The name of the corporation.
- (b) The names and respective addresses, including street and number, if any, of its officers.
- (c) The names and respective addresses, including street and number, if any, of its directors.
- (d) A copy of the agreement signed by all shareholders of record of the corporation consenting to its dissolution.
- (e) A statement that such agreement has been signed by all shareholders of record of the corporation or signed in their names by their attorneys thereunto duly authorized.

DISSOLUTION BY ACT OF CORPORATION

SEC. 78. A corporation may be dissolved by the act of the corporation in the following manner:

(a) The board of directors shall adopt a resolution recommending that the corporation be dissolved, and directing that the question of such dissolution be submitted to a vote at a meeting of shareholders, which may be either an annual or a special meeting.

(b) Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of dissolving the corporation, shall be given to each shareholder of record entitled to vote within the time and in the manner provided in this Act for the giving of notice of meetings of shareholders.

(c) At such meeting a vote of the shareholders entitled to vote shall be taken on a resolution to dissolve the corporation, which shall require for its adoption the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote.

(d) Upon the adoption of such resolution, a statement of intent to dissolve shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, which shall set forth—

- (1) the name of the corporation;
- (2) the names and respective addresses, including street and number, if any, of its officers;
- (3) the names and respective addresses, including street and number, if any, of its directors;
- (4) a copy of the resolution of the shareholders authorizing the dissolution of the corporation;
- (5) the number of shares outstanding and entitled to vote;
- (6) the number of shares voted for and against the dissolution of the corporation.

FILING OF STATEMENT OF INTENT TO DISSOLVE

SEC. 79. Duplicate originals of the statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, shall be delivered to the Commissioners. If the Commissioners find that

such statement conforms to law, they shall, when all fees and charges have been paid as in this Act prescribed—

(a) Endorse on each of such duplicate originals the word "Filed" and the month, day, and year of the filing thereof.

(b) File one of such duplicate originals in their office.

(c) The other duplicate original shall be recorded in the office of the Recorder of Deeds.

EFFECT OF STATEMENT OF INTENT TO DISSOLVE

SEC. 80. Upon the filing by the Commissioners of a statement of intent to dissolve, whether by consent of shareholders or by act of the corporation, the corporation shall cease to carry on its business, except insofar as may be necessary for the proper winding up thereof.

PROCEEDINGS AFTER FILING OF STATEMENT OF INTENT TO DISSOLVE

SEC. 81. After the filing by the Commissioners of a statement of intent to dissolve—

(a) The corporation shall proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its shareholders, pay, satisfy, and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, and, after paying or adequately providing for the payment of all its obligations, distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their respective rights and interests.

(b) The corporation, at any time during the liquidation of its business and affairs, may make application to the United States District Court for the District of Columbia to have the liquidation continued under the supervision of the court as provided in this Act.

REVOCATION BY CONSENT OF SHAREHOLDERS OF VOLUNTARY DISSOLUTION PROCEEDINGS

SEC. 82. By the written consent of the holders of record of all of its outstanding shares, a corporation may, at any time prior to the issuance of a certificate of dissolution by the Commissioners as hereinafter provided, revoke voluntary dissolution proceedings theretofore taken, in the following manner:

Upon the execution of such written consent by all the shareholders of record, a statement of revocation of voluntary dissolution proceedings shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, which shall set forth and contain—

(a) The name of the corporation.

(b) The names and respective addresses, including street and number, if any, of its officers.

(c) The names and respective addresses, including street and number, if any, of its directors.

(d) A copy of the agreement signed by all shareholders of record of the corporation revoking such voluntary dissolution proceedings.

(e) That such agreement is signed by all shareholders of record of the corporation or signed in their names by their attorneys thereunto duly authorized.

REVOCATION BY ACT OF CORPORATION OF VOLUNTARY DISSOLUTION
PROCEEDINGS

SEC. 83. By the act of the corporation, a corporation may, at any time prior to the issuance of a certificate of dissolution by the Commissioners as hereinafter provided, revoke voluntary dissolution proceedings theretofore taken in the following manner:

(a) The board of directors shall adopt a resolution recommending that the voluntary dissolution proceedings be revoked and directing that the question of such revocation be submitted to a vote at a meeting of shareholders.

(b) Written or printed notice stating that the purpose, or one of the purposes, of such meeting is to consider the advisability of revoking the voluntary dissolution proceedings, shall be given to each shareholder of record entitled to vote within the time and in the manner provided in this Act for the giving of notice of meetings of shareholders.

(c) At such meeting a vote of the shareholders entitled to vote shall be taken on a resolution revoking the voluntary dissolution proceedings, which shall require for its adoption the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote.

(d) Upon the adoption of such resolution, a statement of revocation of voluntary dissolution proceedings shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, which shall set forth—

- (1) the name of the corporation;
- (2) the names and respective addresses, including street and number, if any, of its officers;
- (3) the names and respective addresses, including street and number, if any, of its directors;
- (4) a copy of the resolution of the shareholders revoking the voluntary dissolution proceedings;
- (5) the number of shares outstanding and entitled to vote;
- (6) the number of shares voted for and against the revocation of the voluntary dissolution proceedings, respectively.

FILING OF STATEMENT OF REVOCATION OF VOLUNTARY DISSOLUTION
PROCEEDINGS

SEC. 84. Duplicate originals of the statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall, when all fees have been paid as in this Act prescribed—

(a) Endorse on each of such duplicate originals the word "Filed", and the month, day, and year of the filing thereof.

(b) File one of such duplicate originals in their office.

(c) The other duplicate original shall be recorded in the office of the Recorder of Deeds.

EFFECT OF STATEMENT OF REVOCATION OF VOLUNTARY DISSOLUTION
PROCEEDINGS

SEC. 85. Upon the filing by the Commissioners of a statement of revocation of voluntary dissolution proceedings, whether by consent of shareholders or by act of the corporation, the revocation of the voluntary dissolution proceedings shall become effective and the corporation may thereupon again carry on its business.

ARTICLES OF DISSOLUTION

SEC. 86. When all debts, liabilities, and obligations of the corporation have been paid and discharged, or adequate provision has been made therefor, and all of the remaining property and assets of the corporation have been distributed to its shareholders, articles of dissolution shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary which shall set forth—

- (a) The name of the corporation.
- (b) That the corporation has theretofore filed with the Commissioners a statement of intent to dissolve, and the date on which such statement was filed.
- (c) That all debts, obligations, and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor.
- (d) That all the remaining property and assets of the corporation have been distributed among its shareholders in accordance with their respective rights and interests.
- (e) That there are no suits pending against the corporation in any court, or that adequate provision has been made for the satisfaction of any judgment, order, or decree which may be entered against it in any pending suit.

FILING OF ARTICLES OF DISSOLUTION

SEC. 87. (a) Duplicate originals of such articles of dissolution shall be delivered to the Commissioners. If the Commissioners find that such articles of dissolution conform to law, they shall, when all fees have been paid as in this Act prescribed—

- (1) endorse on each such duplicate original the word "Filed", and the month, day, and year of the filing thereof;
 - (2) file one of such duplicate originals in their office;
 - (3) issue a certificate of dissolution, to which they shall affix the other duplicate original.
- (b) The certificate of dissolution, together with the duplicate original of the articles of dissolution affixed thereto, shall be recorded in the office of the Recorder of Deeds. Upon the issuance of such certificate of dissolution the existence of the corporation shall cease, except for the purpose of suits, other proceedings, and appropriate corporate action by shareholders, directors, and officers as provided in this Act.

INVOLUNTARY DISSOLUTION

SEC. 88. A corporation may be dissolved involuntarily by a decree of a court of equity in an action instituted by the Commissioners in the name of the District of Columbia, when it is made to appear to the court that—

- (a) The franchise of the corporation was procured through fraud; or
- (b) The corporation has continued to exceed or abuse the authority conferred upon it by this Act; or
- (c) The corporation has failed for thirty days to appoint and maintain a registered agent as provided in this Act; or
- (d) The corporation has failed for thirty days after change of its registered office or registered agent to file with the Commissioners a statement of such change.

VENUE AND PROCESS

SEC. 89. Every action for the involuntary dissolution of a corporation on the grounds hereinbefore provided shall be commenced by the Commissioners in the United States District Court for the District of Columbia. Summons shall issue and shall be served as in other civil actions. In case a return is made thereon that no officer or agent of such corporation can be found within the territorial limits of the District of Columbia, then the Commissioners shall cause publication to be made in some newspaper of general circulation published in the District of Columbia, containing a notice of the pendency of such action, the title of the court, the names of the parties thereto, and the date on or after which default may be entered. The Commissioners shall cause a copy of such notice to be mailed by registered mail to the corporation at its registered office within ten days after the first publication thereof. The certificate of the Commissioners of the mailing of such notice shall be prima facie evidence thereof. Such notice shall be published at least once each week for three successive weeks, and the first publication thereof may begin at any time after the summons has been returned. Unless a corporation shall have been served with summons, no default shall be taken against it earlier than thirty days after the first publication of such notice. The cost of publication of such notice shall be paid by the Commissioners, unless the decree is against the corporation and such cost is collected from it.

JURISDICTION OF COURT TO LIQUIDATE ASSETS AND BUSINESS OF CORPORATION

SEC. 90. (a) The United States District Court for the District of Columbia shall have full power to liquidate the assets and business of a corporation—

(1) upon application by a corporation which has filed a statement of intent to dissolve, as provided in this Act, to have its liquidation continued under the supervision of the court;

(2) when an action has been commenced by the Commissioners to dissolve a corporation and it is made to appear that liquidation of its business and affairs should precede the entry of a decree of dissolution.

(b) Proceedings under this section shall be brought in the United States District Court for the District of Columbia.

(c) It shall not be necessary to make shareholders parties to any such action or proceeding unless relief is sought against them personally.

PROCEDURE IN LIQUIDATION OF CORPORATION BY COURT

SEC. 91. (a) In proceedings to liquidate the assets and business of a corporation the court shall have power to issue injunctions, to appoint a receiver or receivers pendente lite with such powers and duties as the court, from time to time, may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the business of the corporation until a full hearing can be had.

(b) After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation, including all amounts owing to the corporation by shareholders on account of any unpaid portion of the consideration for the issuance

of shares. Such liquidating receiver or receivers shall have authority, subject to the order of the court, to sell, convey, and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The assets of the corporation or the proceeds resulting from a sale, conveyance, or other disposition thereof shall be applied to the expenses of such liquidation and to the payment of the liabilities and obligations of the corporation, and any remaining assets or proceeds shall be distributed among its shareholders according to their respective rights and interests. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings.

(c) A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name as receiver of such corporation. The court appointing such receiver shall, for the purposes of this Act, have exclusive jurisdiction of the corporation and its property, wherever situated.

QUALIFICATIONS OF RECEIVERS

SEC. 92. A receiver shall in all cases give such bond as the court may direct with such sureties as the court may require.

FILING OF CLAIMS IN LIQUIDATION PROCEEDINGS

SEC. 93. In proceedings to liquidate the assets and business of a corporation the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims it shall fix a date, which shall be not less than four months from the date of the order, as the last day for the filing of claims, and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

DISCONTINUANCE OF LIQUIDATION PROCEEDINGS

SEC. 94. The liquidation of the assets and business of a corporation may be discontinued at any time during the liquidation proceedings when it is made to appear to the court that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its remaining property and assets.

DECREE OF INVOLUNTARY DISSOLUTION

SEC. 95. In proceedings to liquidate the assets and business of a corporation, when the costs and expenses of such proceedings and all debts, obligations, and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed to its shareholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts, and obligations, all the property and assets have been applied so far as they will go to their payment, the court shall enter a decree dissolving the corporation, whereupon the existence of the corporation shall cease.

FILING OF DECREE OF DISSOLUTION

SEC. 96. In case the court shall enter a decree dissolving a corporation it shall be the duty of the clerk of such court to cause a certified copy of the decree to be filed with the Commissioners. No fee shall be charged by the Commissioners for the filing thereof.

SURVIVAL OF REMEDY AFTER DISSOLUTION

SEC. 97. The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the Commissioners, or (2) by proclamation of the Commissioners for failure to pay annual report fees or file annual reports as provided in the Act, or (3) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, or shareholders, or any right or claim existing, or any liability incurred, prior to such dissolution if suit or other proceeding thereon is commenced within two years after the date of such dissolution. Any suit or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The shareholders, directors, and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right, or claim. If such corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during such period of two years so as to extend its period of duration.

ANNUAL REPORT OF DOMESTIC CORPORATION

SEC. 98. (a) Each corporation shall file with the Commissioners, on or before April 15 of each year, an annual report setting forth—

(1) the name of the corporation, the address, including street and number, if any, of its registered office in the District of Columbia, and the name of its registered agent at such address;

(2) the names and respective addresses, including street and number, if any, of its directors and officers;

(3) a brief statement of the character of the business in which the corporation is actually engaged;

(4) a statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class;

(5) a statement of the aggregate number of issued shares, itemized by classes, par value of shares, shares without par value and series, if any, within a class.

(b) Such annual report shall be made on forms prescribed and furnished by the Commissioners, and the information therein contained shall be given as of the date of the execution of the report.

(c) It shall be executed by the corporation by its president, vice president, secretary, assistant secretary, or treasurer, and verified by the officer executing the report, and the corporate seal shall be thereto affixed.

ADMISSION OF FOREIGN CORPORATION

SEC. 99. A foreign corporation shall procure a certificate of authority from the Commissioners before it transacts business in the District, but no foreign corporation shall be entitled to procure a certificate of authority under this Act to transact in the District the business of banking, insurance, assurance, benefit, indemnity, building and loan association, or the acceptance of savings deposits, such corporations being admitted to and shall do business in the District of Columbia

pursuant to the laws relating to such business. A foreign corporation shall not be denied a certificate of authority by reason of the fact that the laws of the State under which such corporation is organized governing its organization and internal affairs differ from the laws of the District, and nothing in this Act contained shall be construed to authorize the District to regulate the organization or the internal affairs of such corporation.

(b) A foreign corporation shall not be required to procure a certificate of authority merely for the prosecution of litigation, the collection of its debts, or the taking of security for the same, or by reason of the appointment of an agent for the solicitation of business not to be transacted in the District, nor for the sale of personal property to the United States within the District of Columbia unless a contract for such sale is accepted by the seller within the District or such property is delivered from stock of the seller within the District for use within the District.

POWERS OF FOREIGN CORPORATION

SEC. 100. No foreign corporations subject to the provisions of this Act shall transact in the District any business for the conduct of which a domestic corporation may not be organized or which is prohibited to a domestic corporation. A foreign corporation which shall have received a certificate of authority under this Act shall, until a certificate of revocation or of withdrawal shall have been issued as provided in this Act, enjoy the same rights and privileges as, but no greater rights and privileges than, a domestic corporation organized for the purposes set forth in the application pursuant to which such certificate of authority is issued; and, except as in this Act otherwise provided, shall be subject to the same duties, restrictions, penalties, and liabilities now or hereafter imposed upon a domestic corporation of like character.

CORPORATE NAME OF FOREIGN CORPORATIONS

SEC. 101. No certificate of authority shall be issued to a foreign corporation—

(a) Which has a name the same as, or deceptively similar to, the name of any domestic corporation, or that of any corporation organized under any Act of Congress authorizing the formation of corporations under the laws of the District of Columbia, or that of any corporation created pursuant to any special Act of Congress to transact business in the District of Columbia, or that of any foreign corporation authorized to transact business in the District of Columbia, or a name the exclusive right to which is, at the time, reserved in the manner provided in this Act.

(b) The name of which does not contain the word "corporation", "company", "incorporated", or "limited", or does not contain an abbreviation of one of said words, unless such corporation, for use in the District, adds at the end of its name one of such words or an abbreviation thereof.

CHANGE OF NAME BY FOREIGN CORPORATION

SEC. 102. Whenever a foreign corporation which is admitted to transact business in the District shall change its name to one under which a certificate of authority to transact business in the District would not be granted to it on application therefor, the authority of such corporation to transact business in the District shall be suspended and it shall not thereafter transact any business in the District until it

has changed its name to a name which is available to it under the laws of the District.

APPLICATION FOR CERTIFICATE OF AUTHORITY

SEC. 103. A foreign corporation may procure a certificate of authority to transact business in the District by making application therefor to the Commissioners, which application shall set forth—

(a) The name of the corporation and the State under the laws of which it is organized.

(b) If the name of the corporation does not contain one of the words "corporation", "company", "incorporated", "limited", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in the District.

(c) The date of its incorporation and the period of its duration.

(d) The address, including street and number, if any, of its principal office in the State under the laws of which it is organized.

(e) The address, including street and number, if any, of its proposed registered office in the District, and the name of its proposed registered agent in the District at such address.

(f) The name or names of the State or States, if any, in which it is admitted or qualified to transact business.

(g) The purpose or purposes for which it was organized and which it proposes to pursue in the transaction of business in the District.

(h) The names and respective addresses, including street and number, if any, of its directors and officers.

(i) A statement of the aggregate number of shares which it has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(j) A statement of the aggregate number of its issued shares itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(k) Such additional information as may be necessary or appropriate in order to enable the Commissioners to determine whether such corporation is entitled to a certificate of authority to transact business in the District. Such application shall be made on forms prescribed and furnished by the Commissioners and shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary.

FILING OF DOCUMENTS ON APPLICATION FOR CERTIFICATE OF AUTHORITY

SEC. 104. (a) There shall be delivered to the Commissioners (1) duplicate originals of the application of the corporation for a certificate of authority, and (2) a copy of its articles of incorporation and all amendments thereto, duly certified by the proper officer of the State wherein it is incorporated.

(b) If, according to law, a certificate of authority to transact business in the District should be issued to such corporation, the Commissioners shall, when all fees and charges have been paid as in this Act prescribed—

(1) endorse on each of such documents the word "Filed", and the month, day, and year of the filing thereof;

(2) file in their office one of such duplicate originals of the application and the copy of the articles of incorporation and amendments thereto;

(3) issue a certificate of authority to transact business in the District, to which they shall affix the other duplicate original application.

(c) The certificate of authority with the duplicate original of the application affixed thereto by the Commissioners shall be recorded in the office of the Recorder of Deeds.

EFFECT OF CERTIFICATE OF AUTHORITY

SEC. 105. Upon the issuance of a certificate of authority by the Commissioners, the corporation shall have the right to transact business in the District for those purposes set forth in its application, subject, however, to the right of the District to suspend or to revoke such right to transact business in the District as provided in this Act.

REGISTERED OFFICE AND REGISTERED AGENT OF FOREIGN CORPORATION

SEC. 106. (a) Each foreign corporation authorized to transact business in the District shall have and continuously maintain in the District—

(1) a registered office which may be, but need not be, the same as its place of business in the District;

(2) a registered agent, which agent may be either an individual, resident in the District, whose business office is identical with such registered office, or a corporation authorized by its articles of incorporation to act as such agent and authorized to transact business in the District having a business office identical with such registered office.

(b) The address, including street and number, if any, of the initial registered office, and the name of the initial registered agent of each foreign corporation shall be as stated in its application for a certificate of authority to transact business in the District.

CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT OF FOREIGN CORPORATION

SEC. 107. (a) A foreign corporation may from time to time change the address of its registered office. A foreign corporation shall change its registered agent if the office of registered agent shall become vacant for any reason, or if its registered agent becomes disqualified or incapacitated to act, or if it revokes the appointment of its registered agent.

(b) A foreign corporation may change the address of its registered office or change its registered agent, or both, by filing with the Commissioners a statement setting forth—

(1) the name of the corporation;

(2) the address, including street and number, if any, of its then registered office;

(3) if the address of its registered office be changed, the address including street and number, if any, to which the registered office is to be changed;

(4) the name of its then registered agent;

(5) if its registered agent be changed, the name of its successor registered agent;

(6) that the address of its registered office and the address of the business office of its registered agent, as changed, will be identical;

(7) that such change was authorized by resolution duly adopted by the board of directors or was authorized by an officer of the corporation duly empowered to make such change.

(c) Such statement shall be executed in duplicate by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and shall be delivered to the Commissioners. If the Commissioners find that such statement conforms to the provisions of this Act, they shall—

(1) endorse on each of such duplicate originals the word "Filed", and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) the other duplicate original shall be recorded in the office of the Recorder of Deeds.

(d) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Commissioners.

SERVICE OF PROCESS ON FOREIGN CORPORATION

SEC. 108. (a) Service of process in any suit, action, or proceeding, or service of any notice or demand required or permitted by law to be served on a foreign corporation, may be made on such corporation by service thereof on the registered agent of such corporation. Service of any such process, notice, or demand upon a corporate agent, as such agent, may be had by delivering a copy of such process, notice, or demand to the president, vice president, the secretary, or an assistant secretary of such corporate agent. During any period within which a foreign corporation authorized to transact business in the District shall fail to appoint or maintain in the District a registered agent, or whenever any such registered agent cannot with reasonable diligence be found at the registered office in the District of such corporation, or whenever the certificate of authority of any foreign corporation shall be revoked, then and in every such case the Commissioners shall be an agent and representative of such foreign corporation upon whom any process, notice, or demand may be served. Service on the Commissioners of any such foreign corporation shall be made by delivering to and leaving with them, or with any clerk having charge of their office, duplicate copies of such process, notice, or demand. In the event any process, notice, or demand is served on the Commissioners, they shall immediately cause one of such copies to be forwarded by registered mail, addressed to such corporation at its principal office as the same appears in the records of the Commissioners. Any services so had on the Commissioners shall be returnable in not less than thirty days: *Provided, however*, That, if a period of less than or greater than thirty days is prescribed by law or by rules of a court in the District or the rules or regulations of any agency of the United States or of the District, such prescribed period shall govern.

(b) Nothing herein contained shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law.

(c) The Commissioners shall keep a record of all processes, notices, and demands served upon them under this section, and shall record therein the time of such service and their action with reference thereto.

AMENDMENT TO ARTICLES OF INCORPORATION OF FOREIGN CORPORATION

SEC. 109. Whenever the articles of incorporation of a foreign corporation authorized to transact business in the District are amended, such foreign corporation shall forthwith file with the Commissioners a copy of such amendment duly certified by the proper officer of the

State under the laws of which such corporation is organized; but the filing thereof shall not of itself enlarge or alter the purpose or purposes which such corporation is authorized to pursue in the transaction of business in the District, nor authorize such corporation to transact business in the District under any other name than the name set forth in its certificate of authority.

MERGER OF FOREIGN CORPORATION AUTHORIZED TO TRANSACT BUSINESS
IN THE DISTRICT

SEC. 110. Whenever a foreign corporation authorized to transact business in the District shall be a party to a statutory merger permitted by the laws of the State under which it is organized, and such corporation shall be the surviving corporation, it shall forthwith file with the Commissioners a copy of the articles of merger duly certified by the proper officer of the State under the laws of which such statutory merger was effected; and it shall not be necessary for such corporation to procure either a new or amended certificate of authority to transact business in the District unless the name of such corporation be changed thereby or unless the corporation desires to pursue in the District other or additional purposes than those which it is then authorized to transact in the District.

AMENDED CERTIFICATE OF AUTHORITY

SEC. 111. (a) A foreign corporation authorized to transact business in the District shall secure an amended certificate of authority in the event it changes its corporate name, or desires to pursue in the District other or additional purposes than those set forth in its prior application for a certificate of authority, by making application therefor to the Commissioners.

(b) The requirements in respect to the form and contents of such application, the manner of its execution, the filing of duplicate originals thereof with the Commissioners, the issuance of an amended certificate of authority and the effect thereof shall be the same as in the case of an original application for a certificate of authority.

ANNUAL REPORT OF FOREIGN CORPORATIONS

SEC. 112. Each foreign corporation authorized to transact business in the District shall file on or before April 15 of each year with the Commissioners an annual report setting forth—

(a) The name of the corporation and the State under the laws of which it is organized.

(b) If the name of the corporation does not contain one of the words "corporation", "company", "incorporated", or "limited", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it has elected to add thereto for use in the District.

(c) The date of its incorporation and the period of its duration.

(d) The address, including street and number, if any, of its principal office in the State under the laws of which it is organized.

(e) The address, including street and number, if any, of its registered office in the District, and the name of its registered agent at such address.

(f) The name or names of the State or States other than the District, if any, in which it is admitted or qualified to transact business.

(g) A brief statement of the character of the business in which it is actually engaged in the District.

(h) The names and respective addresses, including street and number, if any, of its directors and officers.

(i) A statement of the aggregate number of shares which the corporation has authority to issue, and the aggregate number of its issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

Such annual report shall be made on forms prescribed and furnished by the Commissioners and the information therein contained shall be given as of the date of the execution of the report. It shall be executed by the corporation by its president, vice president, secretary, assistant secretary, or treasurer, and verified by the officer making the report, and the corporate seal shall be thereto affixed.

WITHDRAWAL OF FOREIGN CORPORATION

SEC. 113. (a) A foreign corporation authorized to transact business in the District may withdraw from the District upon procuring from the Commissioners a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall file with the Commissioners an application for withdrawal.

(b) The application for withdrawal shall set forth—

(1) the name of the corporation and the State under the laws of which it is organized;

(2) that it is not transacting business in the District;

(3) that it surrenders its authority to transact business in the District;

(4) that it revokes the authority of its registered agent in the District to accept service of process and consents that service of process in any suit, action, or proceeding based upon any cause of action arising in the District during the time it was authorized to transact business in the District may thereafter be made on such corporation by service thereof on the Commissioners;

(5) a post-office address to which the Commissioners may mail a copy of any process against the corporation that may be served on him;

(6) such information as may be necessary or appropriate in order to enable the Commissioners to determine and assess any unpaid fees payable by such foreign corporation as in this Act prescribed.

(c) The application for withdrawal shall be made on forms prescribed and furnished by the Commissioners and shall be executed by the corporation by its president or a vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, or, if the corporation is in the hands of a receiver or trustee, the same shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

FILING OF APPLICATION FOR WITHDRAWAL

SEC. 114. (a) Duplicate originals of such application for withdrawal shall be delivered to the Commissioners. Upon receipt thereof they shall examine the same, and, if they find that it conforms to the provisions of this Act, they shall, when all fees and charges have been paid as in this Act prescribed—

(1) endorse on each of such duplicate originals the word "Filed", and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of withdrawal to which they shall affix the other duplicate original.

(b) The certificate of withdrawal, together with the duplicate original of the application for withdrawal affixed thereto, shall be recorded in the office of the Recorder of Deeds. Upon the issuance of such certificate of withdrawal, the authority of the corporation to transact business in the District shall cease.

REVOCATION OF CERTIFICATE OF AUTHORITY

SEC. 115. The certificate of authority of a foreign corporation to transact business in the District may be revoked by the Commissioners when they find that—

(a) The certificate of authority of the corporation was procured through fraud practiced upon the District; or

(b) The corporation has continued to exceed or abuse the authority conferred upon it by this Act; or

(c) The corporation has failed for a period of ninety days to pay any fees, charges, or penalties prescribed by this Act; or

(d) The corporation has failed for ninety days to appoint and maintain a registered agent in the District; or

(e) The corporation has failed for thirty days after change of its registered office or registered agent to file with the Commissioners a statement of such change; or

(f) The corporation has failed to file its annual report as required by this Act; or

(g) The corporation for a period of two years has not transacted any business in the District; or

(h) The corporation has failed to file with the Commissioners a duly authenticated copy of each amendment to its articles of incorporation within thirty days after such amendment becomes effective; or

(i) A misrepresentation has been made of any material matter in any application, report, affidavit, or other document submitted by such corporation pursuant to this Act, in which event the Commissioners shall give not less than thirty days' notice forwarded by registered mail, addressed to such corporation at its principal office as the same appears in the records of the Commissioners or at its registered office in the District, of their intent to revoke the certificate of authority.

ISSUANCE OF CERTIFICATE OF REVOCATION

SEC. 116. (a) Upon revoking any such certificate of authority, the Commissioners shall—

(1) issue a certificate of revocation in duplicate;

(2) file one of such certificates in his office;

(3) mail to such corporation at its registered office in the District a notice of such revocation. The certificate of revocation, together with the duplicate original affixed thereto, shall be recorded in the office of the Recorder of Deeds.

(b) Upon the issuance of such certificate of revocation, the authority of the corporation to transact business in the District shall cease.

EFFECT OF REVOCATION OR WITHDRAWAL UPON ACTIONS AND CONTRACTS

SEC. 117. The revocation of certificate of authority or the voluntary withdrawal of a foreign corporation whereby its authority to do business in the District shall cease and be determined, shall not affect any action then pending, nor affect any right of action upon any contract made by the corporation in the District before such revocation or withdrawal, and, in any action upon any liability or obligation so incurred before the revocation or withdrawal, the process against

the corporation may be served, after the filing thereof, upon the Commissioners.

APPLICATION TO FOREIGN CORPORATIONS TRANSACTING BUSINESS ON THE
EFFECTIVE DATE OF THIS ACT

SEC. 118. Foreign corporations transacting business in the District at the time this Act takes effect for a purpose or purposes for which a certificate of authority is required under the provisions of this Act shall, within six months after the effective date of this Act, procure a certificate of authority and shall otherwise comply with all applicable provisions of this Act. Failure to secure a certificate of authority within the time provided in this section shall subject the corporation to all the penalties, liabilities, and restrictions provided in this Act for transacting business without a certificate of authority.

TRANSACTING BUSINESS WITHOUT CERTIFICATE OF AUTHORITY

SEC. 119. (a) No foreign corporation which is subject to the provisions of this Act and which transacts business in the District without a certificate of authority shall be permitted to maintain an action at law or in equity in any court of the District until such corporation shall have obtained a certificate of authority. Nor shall an action at law or in equity be maintained in any court of the District by any successor or assignee of such corporation on any right, claim, or demand arising out of the transaction of business by such corporation in the District until a certificate of authority shall have been obtained by such corporation or by a corporation which has acquired all or substantially all of its assets.

(b) The failure of a foreign corporation to obtain a certificate of authority to transact business in the District shall not impair the validity of any contract or act of such corporation, and shall not prevent such corporation from defending any action at law or suit in equity in any court of the District.

(c) A foreign corporation which transacts business in the District without a certificate of authority shall be liable to the District, for the years or parts thereof during which it transacted business in the District without a certificate of authority, in an amount equal to all fees and other charges which would have been imposed by this Act upon such corporation had it duly applied for and received a certificate of authority to transact business in the District as required by this Act and thereafter filed all reports required by this Act; and in addition thereto it shall be liable for a penalty of not in excess of \$500. The Commissioners shall bring proceedings to recover all amounts due the District under the provisions of this section. Such charges and penalties shall be paid to the District before any certificate of authority is issued to such foreign corporation.

COMMISSIONERS; DUTIES AND FUNCTIONS

SEC. 120. (a) The Commissioners shall be charged with the administration and enforcement of this Act. Said Commissioners are authorized to employ such personnel as may be necessary for the administration of this Act, within appropriations made by Congress. The compensation of such personnel shall be fixed in accordance with the provisions of the Classification Act of 1949, as amended.

(b) The Commissioners may transfer any or all of the functions vested in them by this Act to any agent designated by them pursuant to the provisions of this Act, or to any office or agency established by them pursuant to Reorganization Plan Numbered 5 of 1952.

63 Stat. 954.
5 USC 1071 note.

66 Stat. 824.
D. C. Code title
1 app.

(c) The Commissioners of the District of Columbia shall provide a distinctive official seal, which shall be the seal of the District of Columbia surrounded by a border in which shall appear such legend as the Commissioners may determine.

(d) Every certificate and other document or paper executed by the Commissioners, in pursuance of any authority conferred upon them by this Act, and sealed with the seal prescribed by subsection (b) hereof, and all copies of such papers as well as of documents and other papers filed in accordance with the provisions of this Act, when certified by them and authenticated by said seal, shall have the same force and effect as evidence as would the originals thereof in any action or proceeding in any court and before a public officer, or official body.

(e) The Commissioners are authorized to attend and participate in the meetings of national organizations of State officials having supervision over corporations, and of the committees thereof, and there is hereby authorized to be appropriated such sums as may be necessary to defray the expenses of attendance at such meetings and to pay such annual dues or other fees as may be necessary to membership in said organizations. The Commissioners are further authorized to visit the corporation departments of the various States when in their judgment such visits are necessary or desirable in connection with the organization or proper conduct of any office or agency established by them.

(f) The Commissioners are authorized to make, modify, and enforce such regulations as they may deem necessary to carry out the provisions of this Act, prescribed penalties for the violation of any such regulations not exceeding a fine of \$300 or imprisonment for ninety days, or both, and to prescribe such forms and procedures for use in the conduct of the business of any office or agency established by them as they may deem appropriate.

FEES AND LICENSE TAXES, AND CHARGES

SEC. 121. (a) There are hereby imposed the following fees and charges:

- (1) fees for filing documents and issuing certificates;
 - (2) license fees;
 - (3) miscellaneous charges.
- (b) The Commissioners shall charge for—
- (1) filing articles of incorporation, \$20;
 - (2) filing amendment to articles of incorporation, \$20;
 - (3) filing articles of merger or consolidation, \$20;
 - (4) filing a statement of intent to dissolve, \$5;
 - (5) filing articles of reincorporation, \$20;
 - (6) filing articles of dissolution, \$10;
 - (7) filing statement of change of address of registered office or change of registered agent, or both, \$1;
 - (8) filing statement of the establishment of a series of shares, \$5;
 - (9) filing an application of a foreign corporation for certificate of authority to transact business in the District and issuing a certificate of authority, \$20;
 - (10) filing an application for reservation of a corporate name or for a renewal of reservation, \$5;
 - (11) filing notice of transfer of a reserved corporate name, \$5;
 - (12) filing an application of a foreign corporation for amended certificate of authority to transact business in the District and issuing an amended certificate of authority, \$20;

(13) filing a copy of amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in the District, \$5;

(14) filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in the District, \$20;

(15) filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, \$5;

(16) filing application for reinstatement of a domestic or foreign corporation and issuing certificate of reinstatement, \$50;

(17) filing any other statement or report, except an annual report, of a domestic or foreign corporation, \$1;

(18) for indexing each document filed, except an annual report, of a domestic or a foreign corporation, \$2;

(19) for furnishing a certified copy of any document, instrument, report, or paper relating to a corporation, \$5.

(c) An initial license fee is hereby imposed as follows:

(1) Every domestic corporation upon the filing of its articles of incorporation shall pay, in addition to any other fees and charges imposed by this Act, the sum of 2 cents for each authorized share of its capital stock up to and including ten thousand shares, and the sum of 1 cent for each additional authorized share up to and including fifty thousand shares, and the sum of one-half of 1 cent for each additional authorized share in excess of fifty thousand shares: *Provided*, That in any case in which the articles of incorporation, of a domestic corporation authorizes par value shares having a par value per share other than \$100 per share, then, in respect to such shares only, the aggregate par value of all of such shares shall be divided by the figure 100 and the quotient so obtained shall be the number of shares for the purpose of the initial license tax as to such shares: *And provided further*, That in no case shall the initial license fee payable be less than \$10.

(2) Every domestic corporation upon the filing of any amendment of its articles of incorporation effecting an increase of its authorized capital stock, in addition to any other fees and charges imposed by this Act, a sum equal to the difference between the initial license fee computed at the rates provided in paragraph (b) (1) of this section on the total of the authorized number of shares, including the proposed increase and the initial license fee so computed on the total of the authorized number of shares excluding said increase: *Provided*, That in no case shall the sum payable be less than \$10.

(3) Upon filing of an agreement of consolidation or an agreement of merger, if the corporation created in the case of an agreement of consolidation, or the corporation surviving in the case of an agreement of merger shall be a domestic corporation, then in addition to any other fees and charges imposed by this Act, a sum equal to the difference between the initial license fee computed at the rates provided in paragraph (b) (1) of this section upon the total of the authorized number of shares of the corporation created by such consolidation or surviving in the case of a merger and the initial license fee so computed upon the aggregate amount of the total authorized number of shares such of the constituent corporation as are domestic corporations: *Provided further*, That in no case shall the sum payable as an initial license fee be less than \$20.

(d) Each foreign corporation authorized under the provisions of this Act to do business in the District shall pay an annual report fee of \$10, which sum shall be paid at the time of the filing of the annual report required of such corporations under the provisions of this Act.

(e) Each domestic corporation organized, incorporated, or rein-

incorporated under the provisions of this Act shall pay, at the rate hereinafter set out, an annual report fee based upon the amount of its total authorized capital stock on the 15th day of March immediately preceding the date on which such annual report is due to be filed. The annual report fee shall be paid at the time of filing the annual report required of such corporations under the provisions of this Act. The amount of the annual report fee shall be as follows:

Where the total authorized capital stock does not exceed \$25,000, \$15; where the total authorized capital stock exceeds \$25,000, but does not exceed \$100,000, \$25; where the total authorized capital stock exceeds \$100,000, but does not exceed \$300,000, \$40; where the total authorized capital stock exceeds \$300,000, but does not exceed \$500,000, \$70; where the total authorized capital stock exceeds \$500,000, but does not exceed \$1,000,000, \$100; and a further sum of \$50 for each \$1,000,000, or fraction thereof, in excess of \$1,000,000. Shares without par value, for the purpose of ascertaining the amount of the annual report fee, but for no other purpose, shall be taken to be of the par value of \$100 each.

(f) In the case of a newly organized corporation, the amount of the annual report fee to be paid at the time of the filing of its first annual report shall be an amount at the rates provided in subsection (e) of this section prorated on a monthly basis for the period from the date its certificate of incorporation or reincorporation was filed with the Commissioners to the April 15 on which said first annual report is due to be filed.

(g) If the annual report fee of any domestic corporation is unpaid on the April 15 on which the same is due, the annual report fee shall bear interest at the rate of 1 per centum per month until paid.

(h) All taxes, fees, and charges provided for in this Act shall be paid to the Commissioners and deposited in the Treasury of the United States to the credit of the District.

EFFECT OF FAILURE TO PAY ANNUAL REPORT FEE OR TO FILE ANNUAL REPORT

SEC. 122. If any corporation incorporated or reincorporated under this Act, or any foreign corporation having a certificate of authority issued under this Act, shall for two consecutive years fail or refuse to pay any annual report fee or fees payable under this Act, or fail or refuse to file any annual report as required by this Act for two consecutive years, then, in the case of a domestic corporation, the articles of incorporation shall be void and all powers conferred upon such corporation are declared inoperative, and, in the case of a foreign corporation, the certificate of authority shall be revoked and all powers conferred thereunder shall be inoperative.

PROCLAMATION OF REVOCATION

SEC. 123. (a) On the second Monday in September of each year, the Commissioners shall issue a proclamation listing the names of all domestic corporations and all foreign corporations which have failed or refused to pay any annual report fee or fees or failed or refused to file any annual report as required by this Act for two consecutive years next preceding June 30 in the year in which such proclamation is issued and upon the issuance of such proclamation the articles of incorporation or the certificate of authority, as the case may be, shall be void and all powers thereunder inoperative without further proceedings of any kind.

(b) The proclamation of the Commissioners shall be filed in their office and shall be published once during the month of September in each of two daily newspapers of general circulation in the District of

Columbia. A certified copy of the proclamation shall be transmitted to the Recorder of Deeds and he shall cause notation of the fact of revocation to be made upon the articles of incorporation of each domestic corporation listed in said proclamation.

(c) Upon publication of the proclamation of revocation as provided in this Act each domestic corporation listed in such proclamation shall be deemed to have been dissolved without further legal proceedings and each such corporation shall cease to carry on its business and shall proceed to collect its assets, convey and dispose of such of its properties as are not to be distributed in kind to its shareholders, pay, satisfy, and discharge its liabilities and obligations and do all other acts required to liquidate its business and affairs, and, after paying or adequately providing for the payment of all of its obligations, distribute the remainder of its assets, either in cash or in kind, among its shareholders according to their respective rights and interest.

(d) All domestic corporations the articles of incorporation of which are revoked by proclamation or the term of existence of which expires by limitation set forth in its articles of incorporation shall nevertheless be continued for the term of three years from the date of such revocation or expiration bodies corporate for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to collect their assets, convey and dispose of such of their properties as are not to be distributed in kind to their shareholders, pay, satisfy, and discharge their liabilities and obligations and do all other acts required to liquidate their business and affairs, and, after paying or adequately providing for the payment of all its obligations, to distribute the remainder of their assets, either in cash or in kind among their shareholders according to their respective rights and interests, but not for the purpose of continuing the business for which such corporation shall have been organized: *Provided, however,* That with respect to any action, suit, or proceeding begun or commenced by or against a corporation prior to such revocation or expiration and with respect to any action, suit, or proceeding begun or commenced by or against such corporation within three years after the date of such revocation or expiration, such corporation shall only for the purpose of such actions, suits, or proceedings so begun or commenced be continued bodies corporate beyond said three-year period and until any judgments, orders, or decrees therein shall be fully executed.

PENALTY FOR CARRYING ON BUSINESS AFTER ISSUANCE OF PROCLAMATION

SEC. 124. Any corporation, person, or persons who shall exercise or attempt to exercise any powers under articles of incorporation of a domestic corporation or under a certificate of authority of a foreign corporation which has been revoked shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both, in the discretion of the court.

CORRECTION OF ERROR IN PROCLAMATION

SEC. 125. Whenever it is established to the satisfaction of the Commissioners that any corporation named in said proclamation has not failed or refused to pay any annual report fee or file any annual report for two consecutive years, or has been inadvertently included in the list of corporations as so failing or refusing to pay annual report fees or file reports, the Commissioners are authorized to correct such mistake by issuing a proclamation to that effect and restoring the articles

of incorporation or certificate of authority, as the case may be, into good standing with like effect as if such proclamation of revocation, as to such corporation, had not been issued.

RESERVATION OF NAME OF PROCLAIMED CORPORATION

SEC. 126. The Commissioners shall reserve the names of all corporations the articles of incorporation of which have been revoked and of all foreign corporations the certificates of authority of which have been revoked until December 31 of the year in which the proclamation of revocation was issued and no domestic corporation shall be formed nor the name of any such domestic corporation changed to a name the same as or deceptively similar to such reserved name nor shall any foreign corporation be authorized to do business under a name the same as or deceptively similar to such reserved name.

REINSTATEMENT OF PROCLAIMED CORPORATIONS

SEC. 127. Upon filing a petition for reinstatement by a proclaimed corporation accompanied by the filing of the delinquent reports, or payment of delinquent annual report fee or fees in full, or both, as the case may be, plus interest thereon as provided by this Act, together with any penalties imposed by this Act, and upon payment of the reinstatement fee provided by this Act at any time after the date of the issuance of the proclamation, the Commissioners, if they find that all of the documents offered for filing conform to law, shall file them in their office and shall issue their certificate of reinstatement which shall have the effect of annulling the revocation proceedings theretofore taken as to such corporation and such corporation shall have such powers, rights, duties, and obligations as it had at the time of the issuance of the proclamation with the same force and effect as to such corporation as if the proclamation had not been issued.

PENALTY FOR FAILURE TO FILE ANNUAL REPORT ON TIME

SEC. 128. Any corporation organized under this Act or any foreign corporation having a certificate of authority under this Act which fails or refuses to file the annual report required by this Act to be filed on April 15 of each year shall pay a penalty of \$25.

PENALTY FOR FAILURE TO MAINTAIN REGISTERED OFFICE OR REGISTERED AGENT

SEC. 129. Any corporation incorporated or reincorporated under this Act, or any foreign corporation which has been issued a certificate of authority under this Act, which fails or refuses to maintain a registered office or a registered agent in the District of Columbia, in accordance with the provisions of this Act shall be deemed to be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be fined in an amount not exceeding \$500.

EFFECT OF NONPAYMENT OF FEES

SEC. 130. (a) The Commissioners shall not file any articles, statements, certificates, reports, applications, notices, or other papers relating to any corporation, domestic or foreign, organized under or subject to the provisions of this Act, until all fees and charges provided to be paid in connection therewith shall have been paid to him or while the corporation is in default in the payment of any fees, charges, or penalties herein provided to be paid by or assessed against it.

(b) No corporation required to pay a fee, charge, or penalty under this Act shall maintain in the District of Columbia any action at law or suit in equity until all such fees, charges, and penalties have been paid in full.

PENALTIES; VIOLATION OR FAILURE A MISDEMEANOR

SEC. 131. Any person, or corporation, who violates any provision of this Act, or fails to comply with any provision thereof, for which violation or failure no penalty is provided therein or elsewhere in the laws of the District of Columbia, shall be deemed guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be fined not exceeding \$500 for each and every violation or failure.

RIGHTS AND IMMUNITIES OF WITNESSES

SEC. 132. No person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence: *Provided*, That no person so testifying shall be exempted from prosecution or punishment for perjury: *Provided further*, That the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpoena gives testimony under oath or produces evidence, documentary or otherwise, under oath.

MONOPOLIES AND RESTRAINT OF TRADE

SEC. 133. Nothing in this Act shall be interpreted to authorize a corporation to do any act in violation of the common law or the statutes relating to the District of Columbia or of the United States with respect to monopolies and illegal restraint of trade.

WAIVER OF NOTICE

SEC. 134. Whenever any notice whatever is required to be given under the provisions of this Act or under the provisions of the articles of incorporation or bylaws of any corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

VOTING REQUIREMENTS OF ARTICLES OF INCORPORATION

SEC. 135. Whenever, with respect to any action to be taken by the shareholders of a corporation, the articles of incorporation require the vote or concurrence of the holders of a greater proportion of the shares, or of any class or series thereof, than required by this Act with respect to such action, the provisions of the articles of incorporation shall control.

INFORMAL ACTION BY SHAREHOLDERS

SEC. 136. Any action required by this Act to be taken at a meeting of the shareholders of a corporation, or any other action which may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the shareholders entitled to vote with respect to the subject matter thereof. In the event that the action which is consented to is such as would have required the filing of a certificate under any section of this Act, if such action had been voted upon by the shareholders at a meeting thereof, the certificate filed under such section shall state that written consent has been given hereunder, in lieu of stating that the shareholders have voted upon the corporate action in question, if such last-mentioned statement is required thereby.

APPEAL FROM COMMISSIONERS

SEC. 137. (a) If the Commissioners shall fail to approve any articles of incorporation, amendment, merger, consolidation, or dissolution, or any other document required by this Act to be approved by the Commissioners before the same shall be filed in their office, they shall, within ten days after the delivery thereof to them give written notice of their disapproval to the person or corporation, domestic or foreign, delivering the same, specifying the reasons therefor. From such disapproval such person or corporation may appeal to the United States District Court for the District of Columbia, by filing with the clerk of such court a petition setting forth a copy of the articles or other document sought to be filed and a copy of the written disapproval thereof by the Commissioners; whereupon the matter shall be tried de novo by the court, and the court shall either sustain the action of the Commissioners or direct them to take such action as the court may deem proper.

(b) If the Commissioners shall revoke the certificate of authority to transact business in the District of any foreign corporation, pursuant to the provisions of this Act, such foreign corporation may likewise appeal to the United States District Court for the District of Columbia, by filing with the clerk of such court a petition setting forth a copy of its certificate of authority to transact business in the District and a copy of the notice of revocation given by the Commissioners; whereupon the matter shall be tried de novo by the court and the court shall either sustain the action of the Commissioners or direct them to take such action as the court may deem proper.

(c) Appeals from all final orders and judgments entered by the United States District Court for the District of Columbia under this section in review of any ruling or decision of the Commissioners may be taken to the United States Circuit Court of Appeals for the District of Columbia by either party to the proceeding within sixty days after service on such party of a copy of the order or judgment of the United States District Court for the District of Columbia.

CERTIFICATES AND CERTIFIED COPIES OF CERTAIN DOCUMENTS TO BE RECEIVED IN EVIDENCE

SEC. 138. All certificates issued by the Commissioners in accordance with the provisions of this Act, and all copies of documents filed in their office in accordance with the provisions of this Act when certified by them, shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the facts therein stated. A certificate by the Commissioners under the seal of their office, as to the existence or nonexistence of the facts relating to corporations which would not appear from a certified copy of any of the foregoing

documents or certificates shall be taken and received in all courts, public offices, and official bodies as prima facie evidence of the existence or nonexistence of the facts therein stated.

UNAUTHORIZED ASSUMPTION OF CORPORATE POWERS

SEC. 139. All persons who assume to act as a corporation without authority so to do shall be jointly and severally liable for all debts and liabilities incurred or arising as a result thereof.

FORMS TO BE FURNISHED BY COMMISSIONERS

SEC. 140. All reports required by this Act to be filed in the office of the Commissioners shall be made on forms which shall be prescribed and furnished by the Commissioners. Forms for all other documents to be filed in the office of the Commissioners shall be furnished by the Commissioners on request therefor, but the use thereof, unless otherwise specifically prescribed in this Act, shall not be mandatory.

REINCORPORATION OR INCORPORATION OF EXISTING CORPORATIONS

SEC. 141. Any corporation which is either—

- (1) organized and existing under the laws of the District of Columbia on the date this Act takes effect and which is organized for profit and for a purpose or purposes authorized by this Act; or
 - (2) created under the provisions of a special Act of Congress to transact business in the District of Columbia for profit and for purposes authorized by this Act;
- may avail itself of the provisions of this Act and may become reincorporated or incorporated hereunder in the following alternative manner:

I. REINCORPORATION

(a) The board of directors shall adopt a resolution declaring it advisable in the judgment of the board that the corporation should be reincorporated under the provisions of this Act and further setting forth the following statements for articles of incorporation under this Act:

(1) The name which the corporation elects to be reincorporated under and which shall contain the word "corporation", "company", "incorporated", or "limited", or shall contain an abbreviation of one of said words.

(2) The designation of the address, including street and number, if any, of its registered office in the District of Columbia; and the name of its registered agent at such address.

(3) The purpose or purposes for which the corporation was organized and which it will hereafter carry on.

(4) The aggregate number of shares which the corporation was authorized to issue and, if said shares were of one class only, the par value of such shares, or a statement that all were without par value, as the case may be; or if said shares were divided into classes, the number of shares of each class, if any, that have a par value and the par value of each share of each such class, and the number of shares of each class, if any, that are without par value.

(5) If the shares were divided into classes, the designation of each class and a statement of the preferences, qualifications, limitations, restrictions, and the special or relative rights in respect of the shares of each class and whether the shares of any class have full, limited, or no voting power.

(6) The number of directors of the corporation.

(7) Any other provisions, not inconsistent with law, or this Act, for the regulation of the internal affairs of the corporation.

(8) That it elects to surrender its existing charter and to be reincorporated under and subject to the provisions of this Act.

It shall not be necessary to set forth in the articles of reincorporation any of the corporate powers enumerated in this Act.

(b) Written or printed notice setting forth the proposed articles of reincorporation or a summary thereof shall be given to each shareholder of record within the time and in the manner provided in this Act for giving notice of meetings of shareholders.

(c) At such meeting a vote of the shareholders shall be taken on the proposed reincorporation and it shall be adopted upon receiving the affirmative vote of the holders of two-thirds of the outstanding shares unless two or more classes of shares are issued in which event it shall be adopted upon receiving the affirmative vote of two-thirds of the outstanding shares of each class issued.

(d) Upon receiving such approval, articles of reincorporation shall be executed in duplicate by the corporation by its president or vice president, and verified by him, and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and delivered to the Commissioners.

(e) If the Commissioners find that the articles of reincorporation conform to law, they shall, when all fees and charges have been paid as in this Act prescribed—

(1) endorse on each of such duplicate originals the word "Filed", and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) issue a certificate of reincorporation to which they shall attach the other duplicate original.

(f) The certificate of reincorporation, together with the duplicate original of the articles of reincorporation affixed thereto, shall be recorded in the office of the Recorder of Deeds.

II. INCORPORATION

EFFECT OF FILING ARTICLES OF REINCORPORATION

(a) By filing with the Commissioners a copy of its charter, or articles of incorporation, then in effect, certified by the secretary of said corporation, together with a certificate executed on behalf of the corporation by the president or a vice president and the secretary or the assistant secretary setting forth the following:

(1) The name of the corporation, which shall contain the word "corporation", "company", "incorporated", or "limited", or shall end with an abbreviation of one of said words.

(2) The designation of the address, including street and number, if any, of its registered office in the District of Columbia; and the name of its registered agent at such address.

(3) The purpose or purposes for which the corporation was organized and which it will hereafter carry on.

(4) The aggregate number of shares which the corporation was authorized to issue and, if said shares were of one class only, the par value of such shares, or a statement that all were without par value, as the case may be; or if said shares were divided into classes, the number of shares of each class, if any, that have a par value and the par value of each share of each such class, and the number of shares of each class, if any, that are without par value.

(5) If the shares were divided into classes, the designation of each class and a statement of the preferences, qualifications, limitations, restrictions, and the special or relative rights in respect of the shares of

each class and whether the shares of any class have full, limited, or no voting power.

(6) The number of directors of the corporation.

(7) Any other provisions, not inconsistent with law, or this Act, for the regulation of the internal affairs of the corporation.

It shall not be necessary to set forth in such certificate any of the corporate powers enumerated in this Act.

(b) A copy of a resolution of the board of directors certified to by the secretary of such corporation which shows that said board believes it advisable that the corporation should elect to avail itself of the provisions of this Act and become incorporated hereunder.

(c) A certificate of the secretary of such corporation to the effect that such action by the corporation has been ratified and approved by the affirmative vote of not less than a majority of the outstanding shares of capital stock of such corporation entitled to vote.

(d) If the Commissioners find that such papers conform to law, they shall accept them for filing in the same manner as herein provided for the filing of articles of incorporation.

EFFECT OF FILING ARTICLES OF REINCORPORATION OR CERTIFICATES OF INCORPORATION

SEC. 142. Upon the issuance of articles of reincorporation or the certificate of incorporation by the Commissioners the existence of the corporation shall be continued under this Act and the corporation shall be entitled to and be possessed of all the privileges, franchises, and powers and subject to all the provisions of this Act as fully and to the same extent as if such corporation had been originally incorporated under this Act; and all privileges, franchises, and powers theretofore belonging to said corporation and all property, real, personal, and mixed, and all debts due on whatever account, and all choses in action, and all and every other interest of or belonging to or due such corporation shall be and the same are hereby ratified, approved, and confirmed and assured to such corporation with like effect and to all intents and purposes as if the same had been originally acquired through incorporation under this Act: *Provided, however*, That any corporation thus reincorporating or incorporating under the provisions of this Act shall be subject to all the contracts, debts, claims, duties, liabilities, and obligations of the corporations thus reincorporated or incorporated as if such reincorporation or incorporation had not taken place and neither the rights of creditors nor any liens upon the property of any such corporation shall be impaired by such reincorporation or incorporation. Such reincorporated or incorporated corporation shall not be subject to the payment of the initial license tax provided by this Act.

TRANSFER OF DUTIES OF RECORDER OF DEEDS

SEC. 143. (a) All powers conferred and all duties imposed upon the Recorder of Deeds of the District of Columbia by any Act of Congress in relation to the organization of corporations, the amendment of certificates of incorporation or charters of corporations, change in capital stock, change of name, reincorporation, dissolution, or other corporate action are on the effective date of this Act hereby transferred to, imposed upon, and shall be exercised or performed by the Commissioners; and wherever the words "Recorder of Deeds" or other words denoting that officer appear in any of the Acts of Congress relating to the organization of corporations under the laws of the District of Columbia, or to amendments to the certificate of incorporation or charter of any corporation organized and existing

under any of such Acts, or to changes of name, changes of capital stock, reincorporation, dissolution, or other corporate action of any such corporation, whether such words relate to the powers and duties of such officer in relation to organization of corporations under any such Acts, or to any of the corporate acts hereinbefore enumerated or are used in connection with the imposition of obligations or duties or the conferring of rights or privileges upon corporations or other persons, such words shall be construed to mean the Commissioners. All fees and charges, except as hereinafter provided, now chargeable by the Recorder of Deeds for doing the work or performing the services hereby transferred to the Commissioners shall, after the effective date of this Act, be chargeable by the Commissioners. On and after the effective date of this Act all certificates of incorporation or charters for the organization of corporations under any Act of Congress authorizing the formation of corporations under the laws of the District of Columbia, or for the amendment of any such certificate of incorporation or charter, changes in capital stock, reincorporation, dissolution, or other corporate action under any such Act, shall be delivered to the Commissioners in duplicate original. If the Commissioners find that any such document conforms to law, they shall, when all fees have been paid as prescribed by law—

(1) endorse on each such duplicate original the word "Filed", and the month, day, and year of the filing thereof;

(2) file one of such duplicate originals in their office;

(3) the other duplicate original shall be recorded in the office of the Recorder of Deeds.

(b) The filing of such document in the office of the Commissioners shall have the same force and effect as the recordation of lodging for recordation of certificates of incorporation and other corporate documents hereinbefore enumerated, formerly had in the office of the Recorder of Deeds.

(c) Upon the effective date of this Act, the Commissioners shall take possession of all original books, papers, and records theretofore filed, recorded, used, or acquired by the Recorder of Deeds in the exercise of the powers and in the performance of the duties hereby transferred to the Commissioners, but nothing herein contained shall require the Recorder of Deeds to transfer any copies or transcripts of corporate papers that may constitute part of the records of his office.

CONSTITUTIONALITY

SEC. 144. The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

RIGHT OF REPEAL RESERVED

SEC. 145. Congress reserves the right to alter, amend, or repeal this Act, or any part thereof, or any certificate of incorporation or certificate of authority issued pursuant to its provisions.

TIME OF TAKING EFFECT

SEC. 146. This Act shall take effect one hundred and eighty days after the date of its approval, and thereafter no corporation eligible to be formed under this Act shall be incorporated under any other Act or statute now in force in the District of Columbia.

APPROPRIATION OF FUNDS

SEC. 147. There are hereby authorized to be appropriated from any moneys in the Treasury of the United States to the credit of the District of Columbia, such amounts as may be necessary to carry into effect the provisions of this Act.

Approved June 8, 1954.

Public Law 390

CHAPTER 270

AN ACT

To amend the Act entitled "An Act to provide for the purchase of public lands for home and other sites", approved June 1, 1938 (52 Stat. 609), as amended.

June 8, 1954
[H. R. 2512]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the purchase of public lands for home and other sites", approved June 1, 1938 (52 Stat. 609), as amended by the Act approved July 14, 1945 (59 Stat. 467; 43 U. S. C., sec. 682a), is amended to read as follows:

Public lands.
Home site pur-
chases, etc.

"That the Secretary of the Interior, in his discretion, is authorized to sell or lease to any person or organization described in section 3 of this Act a tract of not exceeding five acres of any vacant, unreserved public lands, public lands withdrawn by Executive Orders Numbered 6910 of November 26, 1934, and 6964 of February 5, 1935, for classification, or public lands withdrawn or reserved by the Secretary of the Interior for any purposes, which the Secretary may classify as chiefly valuable for residence, recreation, business, or community site purposes, if he finds that such sale or lease of the lands would not unreasonably interfere with the use of water for grazing purposes nor unduly impair the protection of watershed areas, in reasonably compact form and under such rules and regulations as he may prescribe, at a price to be determined by him, for such use: *Provided*, That no land may be sold hereunder unless it has been surveyed. No person or organization shall be permitted to purchase or lease more than one tract under the provisions of this Act, except upon a showing of good faith and reasons satisfactory to the Secretary.

"SEC. 2. No tract shall be sold for less than the cost of making any survey necessary to describe properly the land sold. Patents for all tracts purchased under the provisions of this Act shall contain a reservation to the United States of the oil, gas, and all other mineral deposits, together with the right to prospect for, mine, and remove the same under applicable law and such regulations as the Secretary may prescribe.

Reservation to
U.S.

"SEC. 3. A lease may be issued or a sale made under this Act to any of the following: (a) An individual who is a citizen of the United States, or who has filed his declaration of intention to become a citizen as required by the naturalization laws; (b) a partnership or an association, each of the members of which is a citizen of the United States or has filed a declaration of intention to become a citizen; (c) a corporation, including nonprofit corporations, organized under the laws of the United States, or of any State or Territory thereof, and authorized to do business in the State or Territory in which the land is located; (d) a State, Territory, municipality, or other governmental subdivision.

Lease or sale.

Dept. of Interior
employee in Alaska.

"SEC. 4. Any employee of the Department of the Interior, stationed in Alaska, notwithstanding such employment, may, in the discretion of the Secretary, purchase or lease under this Act one tract for residence or recreation purposes in the Territory of Alaska: *Provided, however,* That any conveyance by the Secretary to such employee shall contain a provision under which said tract shall revert to the United States if used, within twenty-five years after issuance of patent for such tract, for other than residential or recreation purposes.

Oreg. and Calif.
R. R. and Coos
Bay Wagon Road
grant lands.

"SEC. 5. The authority to lease lands under this Act shall extend to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon and under the jurisdiction of the Department of the Interior, except that—

"(a) such lands shall be leased only for residential, recreational, or community site purposes and not for business purposes; and

"(b) no lease of such lands shall be made if such lease would interfere with the application of the sustained yield timber management requirement established with respect to such lands by the Act entitled 'An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon', approved August 28, 1937 (50 Stat. 874)."

43 USC 1181a-
1181f.

Approved June 8, 1954.

Public Law 391

CHAPTER 271

June 8, 1954
[H. R. 2974]

AN ACT

To extend the time for enrollment of the Indians of California, and for other purposes.

California In-
dians.

25 USC 657.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of May 18, 1928 (45 Stat. 602), as amended by the Act of April 29, 1930 (46 Stat. 259), the Act of June 30, 1948 (62 Stat. 1166), and the Act of May 24, 1950 (64 Stat. 189), is hereby further amended by deleting the words "six months" in the penultimate sentence and by inserting in lieu thereof the words "until June 30, 1955," and by inserting after the third sentence "For the purposes of clause (d) of this section, when the Secretary of the Interior is satisfied that reasonable and diligent efforts have been made to locate a person whose name is on said roll and that such person cannot be located, he may presume that such person died prior to the date of approval of this Act, and his presumption shall be conclusive".

25 USC 651-658.

SEC. 2. That the Secretary of the Interior shall transmit to Congress on or before August 31, 1955, a full and complete report of funds used and the purposes accomplished to carry out the provisions of this Act and the Act approved May 18, 1928 (45 Stat. 602), as amended by the Act of April 29, 1930 (46 Stat. 259), the Act of June 30, 1948 (62 Stat. 1166), and the Act of May 24, 1950 (64 Stat. 189).

Approved June 8, 1954.

Public Law 392

CHAPTER 272

June 8, 1954
[H. R. 7061]

AN ACT

To prescribe and regulate the procedure for adoption in the District of Columbia.

D. C. adoption
procedure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF POLICY

SECTION 1. The Congress of the United States hereby declares its conviction that the policies and procedures for adoption contained in this Act are socially necessary and desirable in the District of Columbia, having as their purpose the threefold protection of (1) the adoptive child, from unnecessary separation from his natural parents and from adoption by persons unfit to have such responsibility; (2) the natural parents, from hurried and abrupt decisions to give up the child; and (3) the adopting parents, by providing them information about the child and his background, and protecting them from subsequent disturbance of their relationships with the child by natural parents.

DEFINITIONS

SEC. 2. When used in this Act, the term—

- (1) "Commissioners" means the Board of Commissioners of the District of Columbia, or their designated agents;
- (2) "District" means the District of Columbia;
- (3) "licensed child-placing agency" means a child-placing agency licensed under the laws of the District of Columbia; and
- (4) "adoptee" means a person with respect to whose adoption a petition has been filed under this Act or with respect to whom an interlocutory or final decree of adoption is in effect.

JURISDICTION

SEC. 3. (a) Subject to the provisions of subsection (b), jurisdiction is hereby conferred upon the United States District Court for the District of Columbia to hear and determine petitions and decrees of adoption of any adult or child with authority to make such rules, not inconsistent with this Act, as shall bring fully before the court for consideration the interests of the adoptee, the natural parents, the petitioner, and any other properly interested party.

(b) Jurisdiction is conferred if any of the following circumstances exist:

- (1) If petitioner is a legal resident of the District.
- (2) If petitioner has actually resided in the District for at least one year next preceding the filing of the petition.
- (3) If the child to be adopted is in the legal care, custody, or control of the Commissioners or a licensed child-placing agency.

WHO MAY ADOPT

SEC. 4. Any person may petition the court for a decree of adoption. No petition shall be considered by the court unless petitioner's spouse, if he has one, joins in the petition, except that if either the husband or wife is a natural parent of the adoptee, such natural parent need not join in the petition with the adopting parent, but need only give his or her consent to the adoption. If the marital status of the petitioner changes after the time of filing the petition and before the time the decree of adoption is final, the petition shall be amended accordingly.

WHO MAY BE ADOPTED

SEC. 5. Any person, whether a minor or an adult, may be adopted.

CONSENT

SEC. 6. (a) No petition for adoption shall be granted by the court unless there is filed with the petition a written statement of consent,

58 Stat. 194.
D. C. Code 32-
786

as specified in this section, which is signed and acknowledged by an officer authorized before law to take acknowledgments, before a representative of a licensed child-placing agency, or before the Commissioners, or unless a relinquishment of parental rights with respect to the adoptee has been recorded and filed as provided in section 6 of the Act of April 22, 1944.

(b) Consent to any proposed adoption of an adoptee under twenty-one years of age shall be obtained

(1) from the adoptee, if he is fourteen years of age or over; and also,

(2) in accordance with the provisions of any one of the subparagraphs a through g below, as follows:

a. both parents, if they are or were married and are both alive; or

b. the living parent of the adoptee, if one of the parents is dead; or

c. the mother in the case of an adoptee born out of wedlock, unless the adoptee has been legitimated according to the laws of any jurisdiction, in which case the consent of the father shall also be required if he is alive; or

d. the mother of an adoptee born in wedlock, if the illegitimacy of the adoptee has been established to the satisfaction of the court; or

e. the court appointed guardian of the adoptee; or

f. a licensed child-placing agency or the Commissioners in case the parental rights of the parent or parents have been terminated by any court of competent jurisdiction or by a release of parental rights to the Commissioners or licensed child-placing agency, based upon consents obtained in accordance with (2) a through e above and the adoptee has been lawfully placed under the care and custody of such agency or the Commissioners; or

g. the Commissioners in any situation not herein above provided for.

(c) Minority of a natural parent shall not be a bar to such parent's consent to adoption.

(d) In the event a parent whose consent is hereinbefore required, after such notice as the court shall direct, cannot be located, or has abandoned the adoptee and voluntarily failed to contribute to the adoptee's support for a period of at least six months next preceding the date of the filing of the petition, the consent of such parent shall not be required.

(e) The court may grant a petition for adoption without any of the consents hereinabove specified, if, after a hearing, the court finds that such consent or consents are withheld contrary to the best interests of the child.

(f) Persons over twenty-one years of age may be adopted, on the petition of the adopting parent or parents, with the consent of adoptee, provided the court is satisfied that the adoption should be granted.

THE PETITION

SEC. 7. Every petition filed for the adoption of a person shall be under oath or affirmation of the petitioner and the titling thereof shall be substantially as follows: "Ex parte in the matter of the petition of _____ for adoption." The petition or the exhibits annexed thereto shall contain the following information:

(1) The name, sex, date, and place of birth of the adoptee, and the names and addresses and residences of the natural parents, if known to the petitioner, except that in any adoption proceeding which is consented to by the Commissioners or a licensed child-placing agency, the names, addresses and residence of the natural parents shall not be set forth.

(2) The name, address, age, business or employment of the petitioner, and the name of the employer, if any, of the petitioner.

(3) The relationship, if any, of the adoptee to the petitioner.

(4) The race and religion of the adoptee, or his natural parent or parents.

(5) The race and religion of the petitioner.

(6) The date that the adoptee commenced residing with petitioner.

(7) Any change of name which may be desired.

If any of the above facts are unknown to the petitioner, the petitioner shall state this fact. If any of the above facts are known to the Commissioners or a licensed child-placing agency, which as a matter of social policy declines to disclose them to the petitioner, the facts may be disclosed to the court in an exhibit filed by the Commissioners or such licensed agency with the court. If more than one petitioner joins in a petition, the requirements of this section shall be applicable to each petitioner.

NOTICE

SEC. 8. Due notice of pending adoption proceedings shall be given immediately upon the filing of a petition by summons, by registered letter sent to the addressee only, or otherwise, as the court may order to be given, to any person or persons whose consent is necessary thereto, except that any party or parties who have formally given their consent to the proposed adoption, as provided elsewhere in this Act, shall be held thereby to have waived the requirement of notice to them under the provisions of this section.

INVESTIGATION

SEC. 9. Upon the filing of a petition the court shall, except in a case that is supervised by a licensed child-placing agency and except as provided in section 10, refer the petition to the Commissioners for investigation, report, and recommendation. Where the case is supervised by such a licensed child-placing agency the court shall refer the petition to such agency for investigation, report, and recommendation. The investigation, report, and recommendation shall include—

(1) an investigation—

(A) of the truth of the allegations of the petition;

(B) of the environment, antecedents, and assets, if any, of the adoptee, for the purpose of ascertaining whether he is a proper subject for adoption;

(C) of the home of the petitioner, to determine whether the home is a suitable one for the adoptee;

(D) of any other circumstances and conditions which may have a bearing on the adoption and of which the court should have knowledge;

(2) a written report to the court of the findings of such investigation; and

(3) a recommendation to the court whether a final decree declaring the adoption prayed for in the petition should be immediately granted, or whether the court should grant an interlocutory decree granting temporary custody of the adoptee to the petitioner, as hereinafter set forth.

Any written report submitted to the court shall be filed with, and become part of, the records in the case.

INVESTIGATION IN CERTAIN CASES

SEC. 10. Whenever the adoptee is an adult or whenever the petitioner is a spouse of the natural parent of the adoptee, and the natural parent consents to the adoption or joins in the petition for adoption, the court may in its discretion dispense with the investigation, report, and interlocutory decree provided for in this Act.

PROCEEDINGS

SEC. 11. (a) Within a period of ninety days, or such time as extended by the court, after a copy of the petition and the order providing for the report is served upon the agency directed to make the investigation, the agency shall make the report and recommendation required by section 8 to the court and thereupon the court shall proceed to act upon the petition.

(b) No final decree of adoption shall be entered unless the adoptee shall have been living with the petitioner at least six months. After considering the petition, the consents, and such evidence as the parties and any other properly interested person may wish to present, the court may enter a final or interlocutory decree of adoption if it is satisfied—

(1) that adoptee is physically, mentally, and otherwise suitable for adoption by the petitioner;

(2) that the petitioner is fit and able to give the adoptee a proper home and education; and

(3) that the adoption will be for the best interests of adoptee. If it shall appear in the interest of the adoptee, the court may enter an interlocutory decree of adoption, which decree shall by its terms automatically become a final decree of adoption on a day therein named, which day shall not be less than six months, nor more than one year, from the date of entry of such interlocutory decree unless in the interim such decree shall have been set aside for cause shown. The supervising agency shall be permitted to visit the adoptee during the period of the interlocutory decree.

(c) The court may revoke its interlocutory decree for good cause shown at any time before it becomes a final decree, either on its own motion or on the motion of one of the parties to the adoption. Before such revocation, notice shall be given thereof to all those persons or parties who were given notice of the original petition for adoption, and an opportunity for all such interested persons or parties to be heard.

(d) All proceedings with reference to adoption shall be of a confidential nature and shall be held in chambers in a sealed courtroom with as little publicity as the court deems appropriate.

FINALITY OF DECREES OF ADOPTION

SEC. 12. No attempt to invalidate a final decree of adoption by reason of any jurisdictional or procedural defect shall be received by any court of the District, unless regularly filed with such court within one year following the time the final decree became effective.

APPEAL

SEC. 13. Any party to an adoption proceeding may appeal to the Court of Appeals for the District of Columbia from any interlocutory or final order or decree of adoption of the United States District Court for the District of Columbia.

RECORDS

SEC. 14. Records and papers in adoption proceedings shall, from and after the filing of the petition, be sealed and shall not be inspected by any person, including the parties to the proceeding, except upon order of the court, and only then when the court is satisfied that the welfare of the child will thereby be promoted or protected. The clerk of the court shall keep separate dockets for adoption proceedings.

LEGAL EFFECTS OF DECREE OF ADOPTION

SEC. 15. (a) A final decree of adoption shall establish the relationship of natural parent and natural child between adoptor and adoptee for all purposes, including mutual rights of inheritance and succession the same as if adoptee was born to adoptor. Such adoptee shall take from, through, and as a representative of his adoptive parent or parents in the same manner as a child by birth, and upon the death of an adoptee intestate, his property shall pass and be distributed in the same manner as if such adoptee had been born to such adopting parent or parents in lawful wedlock. All rights and duties including those of inheritance and succession between the adoptee, his natural parents, their issue, collateral relatives, and so forth, shall be cut off, except that in the event one of the natural parents is the spouse of the adoptor, then the rights and relations as between adoptee, such natural parent, and his parents and collateral relatives, including mutual rights of inheritance and succession, shall in nowise be altered.

(b) An interlocutory decree of adoption shall, while it is in force, have the same legal effects as a final decree of adoption. Upon the revocation of an interlocutory decree of adoption, the status of the adoptee, the natural parents of the adoptee, and the petitioners shall be as though the interlocutory decree were null and void ab initio.

(c) The family name of the adoptee shall be changed to that of adoptor unless the decree shall otherwise provide, and the given name of the adoptee may be fixed or changed at the same time.

BIRTH CERTIFICATES

SEC. 16. (a) Notice of a final decree of adoption shall be sent to the Commissioners. The Commissioners, unless otherwise requested in the petition by the adoptors, shall cause to be made a new record of the birth in the new name and with the names of the adoptors and shall then cause to be sealed and filed the original birth certificate with the order of the court and such sealed package shall be opened only by order of the court.

(b) If the adoption occurred outside of the District either before or after August 25, 1937, upon filing with the Commissioners a certified copy of the final decree of adoption, the Commissioners shall cause to be made a new record of the birth in the new name and with

the names of the adoptors and shall then cause to be sealed and filed the original birth certificate with the certified copy of the final decree of adoption, and such sealed package shall be opened only by order of a court of competent jurisdiction.

(c) If the birth of the adoptee occurred outside the District the clerk of the court shall, upon petition by the adoptor, furnish him with a certified copy of the final decree of adoption.

(d) When an adoption in the District occurred prior to August 25, 1937, the court shall, upon presentation of a motion by a party to the proceedings, order the clerk of the court to seal the records in such proceeding and upon presentation of a certified copy of said order the Commissioners shall cause to be made a new record of the birth in the new name and with the names of the adoptors and shall then cause to be sealed and filed the original birth certificate with the order of the court, and such sealed package shall be opened only by order of the court.

MEANING OF THE TERM "CHILD"

SEC. 17. The term "child" or its equivalent in a deed, grant, will, or other written instrument shall, in the District, be held to include any adopted person, unless the contrary plainly appears by the terms thereof, whether or not such instrument was executed before or after the entry of the interlocutory decree of adoption, if any, or before or after the final decree of adoption became effective.

REPEAL AND SAVINGS PROVISIONS

SEC. 18. (a) Subject to the provisions of subsection (b) of this section, the Act entitled "An Act to regulate proceedings in adoption in the District of Columbia", approved August 25, 1937, as amended (16 D. C. Code, ch. 2), is repealed.

50 Stat. 806.

(b) The provisions of this Act shall have no retroactive effect except to the extent that they specifically so provide and shall not be construed as affecting in any way the rights and relations obtained by any decree of adoption entered prior to the date of the enactment of this Act, and all proceedings instituted and pending on the date of the enactment of this Act shall be carried to their final determination in accordance with the Act repealed by the preceding subsection, and all orders and decrees entered therein shall remain valid and binding on all parties thereby affected.

(c) If any provisions of this Act, or the applicability thereof to any person or set of circumstances, is held invalid, the remainder of this Act and the applicability thereof to other persons and sets of circumstances shall not thereby be affected.

Approved June 8, 1954.

Public Law 393

CHAPTER 273

June 8, 1954
[H. R. 7062]

AN ACT

To amend the Act of April 22, 1944, which regulates the placement of children in family homes in the District of Columbia.

D. C. child
placement in fam-
ily homes.

58 Stat. 193.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to regulate the placing of children in family homes, and for other purposes", approved April 22, 1944 (32 D. C. Code, sec. 783), is amended to read as follows:

"SEC. 3. Within sixty days after the date of the enactment of section 12 of this Act, the Commissioners shall appoint, after consultation with the Department of Public Welfare, a committee to formulate and adopt rules and regulations, subject to the approval of the Commissioners, prescribing standards of placement, care, and services to be required of child-placing agencies, pursuant to the intent and purposes of this Act. The committee shall be composed of two representatives of the Department of Public Welfare of the District of Columbia, one of whom shall act as chairman, a member of the staff of the Department of Health of the District of Columbia, two representatives from each of the charitable organizations of the District of Columbia licensed to place children in family homes, a member of the legal profession, and a member of the medical profession. The terms of office of each member of the committee shall be three years, except that—

Committee to
formulate stand-
ards, etc.

Terms of office.

"(1) the terms of office of the members first taking office shall expire, as designated by the Commissioners at the time of appointment, approximately one-third at the end of one year, approximately one-third at the end of two years, and approximately one-third at the end of three years, after the date of the enactment of section 12;

"(2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(3) upon the expiration of his term of office a member shall continue to serve until his successor is appointed and has qualified. The rules and regulations prescribing standards of placement, care, and services to be required of child-placing agencies shall be reviewed by the committee annually and, subject to the approval of the Commissioners, may be amended when deemed necessary."

SEC. 2. The last paragraph of section 4 of such Act is amended by striking out "from the date of the passage of this Act".

D. C. Code 32-
784.

SEC. 3. The last paragraph of section 5 of such Act is amended to read as follows:

D. C. Code 32-
785.

"Records which are deemed confidential shall not be available for inspection by nor disclosed to any person, firm, corporation, association, or public agency, except that such records shall be available for inspection by authorities authorized by law to license child-placing agencies. Such records shall not be subject to judicial subpoena in collateral proceedings, except that the licensed child-placing agency and the Commissioners, in accordance with rules and regulations promulgated hereunder, may make such records, or any information contained in such records, available (1) when the Commissioners or such agency determines that any information contained in such records shall promote or protect the interest and welfare of any child the Commissioners or such agency has served, and (2) for the purpose of research if adequate safeguards are taken against the disclosure or publication in any manner of the identity of any person contained in such records."

Confidential
records.

SEC. 4. Such Act is amended by inserting immediately after section 5 the following new section:

"SEC. 5A. Notwithstanding the provisions of this Act, the Commissioners are authorized to enter into agreements with any person, firm, corporation, association, or public agency licensed or authorized by a State or country for the care and placement of minors, permitting such person, firm, corporation, association, or public agency to place

No nonresident
children.

nonresident children in foster or adopting homes in the District of Columbia. The Commissioners shall act pursuant to regulations promulgated as provided in section 3 of this Act."

D. C. Code 32-783.
D. C. Code 32-786.

SEC. 5. (a) Section 6 of such Act is amended by striking out the second sentence thereof and inserting in lieu thereof the following new sentence: "Minority of a natural parent shall not be a bar to such parent's relinquishment to a licensed agency. Any relinquishment of parental rights other than by court order as provided above, may be revoked upon the written consent of all the parties to said relinquishment and any such relinquishment may be transferred from one licensed child-placing agency to another licensed child-placing agency, in which case the second agency shall assume all the rights and duties of the first agency. For the purposes of this section, 'licensed child-placing agency' shall mean any child-placing agency licensed pursuant to this Act or any child-placing agency licensed or authorized by another State or country for the care and placement of minors. Such transfer or relinquishment shall be filed in the Office of the Clerk of the United States District Court for the District of Columbia, as hereinafter provided in this section."

(b) Section 6 of such Act is further amended by inserting "(a)" after "SEC. 6." and by adding at the end thereof the following new subsection:

"(b) The Commissioners or their designated agents are empowered to accept permanent care and guardianship of any child by a legally executed relinquishment of parental rights and when vested with such parental rights shall exercise them in the same manner as prescribed herein for a licensed child-placing agency. Such parental relinquishment taken by the Commissioners or their designated agents shall be subject to the same rights and requirements as to form, transfer, and disposition as are prescribed herein for a licensed child-placing agency."

SEC. 6. Such Act is amended by adding at the end thereof the following new section:

Service charges.
Restrictions.

"SEC. 12. Neither the Commissioners nor any child-placing agency authorized to perform services in connection with placing a child in a family home for adoption may make or receive any charge or compensation whatsoever for such services, except that a licensed child-placing agency which is organized and operated exclusively for religious or charitable purposes and no part of the net earnings of which can inure to the benefit of any private shareholder or individual, may be allowed to charge adoptive parents, within prescribed limits, for such services an amount not to exceed the average costs incurred; such average costs and prescribed limits to be determined in accordance with rules and regulations promulgated by the committee created by section 3. Inability of adoptive applicants to pay for all or any part of such costs shall not be a disqualifying factor in determining whether applicants are suitable parents for the child."

D. C. Code 32-783.

Effective date.

SEC. 7. The amendments made by this Act shall take effect four months after the date of its enactment, except that the amendment made by the first section shall take effect on the date of the enactment of this Act.

Approved June 8, 1954.

Public Law 394

CHAPTER 276

JOINT RESOLUTION

To extend the time for the erection of a memorial to the memory of Mohandas K. Gandhi.

June 10, 1954
[H. J. Res. 508]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 28, 1949 (63 Stat. 699, ch. 587), relating to the erection of a memorial to the memory of Mohandas K. Gandhi is hereby amended by striking out the words "within five years from the date of approval of this resolution" and substituting in lieu thereof the words "by September 28, 1959".

Mohandas K.
Gandhi memorial.

Approved June 10, 1954.

Public Law 395

CHAPTER 283

AN ACT

To provide for compensation of certain employees on days when departments or establishments of the Government are closed by administrative order.

June 11, 1954
[H. R. 7554]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Joint Resolution of June 29, 1938 (52 Stat. 1246), is amended by inserting after "by Executive order," the following: "or any day on which such employees are relieved or prevented from working by administrative order issued under such regulations as may be promulgated by the President,".

5 USC 86a.

Approved June 11, 1954.

Public Law 396

CHAPTER 297

JOINT RESOLUTION

To amend the pledge of allegiance to the flag of the United States of America.

June 14, 1954
[H. J. Res. 243]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942, as amended (36 U. S. C., sec. 172), is amended to read as follows:

Flag of the USA.

56 Stat. 380.

"SEC. 7. The following is designated as the pledge of allegiance to the flag: 'I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all'. Such pledge should be rendered by standing with the right hand over the heart. However, civilians will always show full respect to the flag when the pledge is given by merely standing at attention, men removing the headdress. Persons in uniform shall render the military salute."

Pledge of al-
legiance.

Approved June 14, 1954.

Public Law 397

CHAPTER 298

JOINT RESOLUTION

June 14, 1954
[H. J. Res. 481]

To amend the Act of July 5, 1949 (Public Law 157, Eighty-first Congress).

Simon Bolivar.
Statue in D.C.
63 Stat. 406.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso of the Act of July 5, 1949 (Public Law 157, Eighty-first Congress), is amended by striking out "five years" where it appears therein, and inserting "ten years".

Approved June 14, 1954.

Public Law 398

CHAPTER 300

AN ACT

June 16, 1954
[H. R. 356]

To amend the Railroad Retirement Act of 1937, as amended.

Dual benefits.
65 Stat. 684.
45 USC 228c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 (b) of the Railroad Retirement Act of 1937, as amended, is hereby further amended, effective October 30, 1951, by striking the last paragraph thereof.

SEC. 2. In the case of any deceased individual whose death occurred before the first day of the first month following the month in which this Act is enacted, so much of any annuity or pension payment as is due such individual by reason of the enactment of the first section of this Act shall be paid only—

(1) to the widow or widower of the deceased, if such widow or widower is living on such first day; or

(2) if there is no such widow or widower, to the child or children of the deceased if such child or children are living on such first day.

45 USC 228e(1).

For the purposes of this section, the terms "widow", "widower", and "child" have the same meanings as those assigned to such terms by section 5 (1) (1) of the Railroad Retirement Act of 1937, as amended.

Approved June 16, 1954.

Public Law 399

CHAPTER 303

AN ACT

June 17, 1954
[H. R. 2828]

To provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction.

Menominee In-
dians.

Termination of
Federal supervi-
sion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to provide for orderly termination of Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin.

SEC. 2. For the purposes of this Act—

(a) "Tribe" means the Menominee Indian Tribe of Wisconsin;

(b) "Secretary" means the Secretary of the Interior.

Enrollment.

SEC. 3. At midnight of the date of enactment of this Act the roll of the tribe maintained pursuant to the Act of June 15, 1934 (48 Stat. 965), as amended by the Act of July 14, 1939 (53 Stat. 1003), shall be closed and no child born thereafter shall be eligible for enrollment: *Provided,* That applicants for enrollment in the tribe shall have three months from the date the roll is closed in which to submit applications

for enrollment: *Provided further*, That the tribe shall have three months thereafter in which to approve or disapprove any application for enrollment: *Provided further*, That any applicant whose application is not approved by the tribe within six months from the date of enactment of this Act may, within three months thereafter, file with the Secretary an appeal from the failure of the tribe to approve his application or from the disapproval of his application, as the case may be. The decision of the Secretary on such appeal shall be final and conclusive. When the Secretary has made decisions on all appeals, he shall issue and publish in the Federal Register a Proclamation of Final Closure of the roll of the tribe and the final roll of the members. Effective upon the date of such proclamation, the rights or beneficial interests of each person whose name appears on the roll shall constitute personal property and shall be evidenced by a certificate of beneficial interest which shall be issued by the tribe. Such interests shall be distributable in accordance with the laws of the State of Wisconsin. Such interests shall be alienable only in accordance with such regulations as may be adopted by the tribe.

Publication in
FR.

Sec. 4. Section 6 of the Act of June 15, 1934 (48 Stat. 965, 966) is hereby repealed.

Repeal.

Sec. 5. The Secretary is authorized and directed, as soon as practicable after the passage of this Act, to pay from such funds as are deposited to the credit of the tribe in the Treasury of the United States \$1,500 to each member of the tribe on the rolls of the tribe on the date of this Act. Any other person whose application for enrollment on the rolls of the tribe is subsequently approved, pursuant to the terms of section 3 hereof, shall, after enrollment, be paid a like sum of \$1,500: *Provided*, That such payments shall be made first from any funds on deposit in the Treasury of the United States to the credit of the Menominee Indian Tribe drawing interest at the rate of 5 per centum, and thereafter from the Menominee judgment fund, symbol 14X7142.

Per capita pay-
ments.

Sec. 6. The tribe is authorized to select and retain the services of qualified management specialists, including tax consultants, for the purpose of studying industrial programs on the Menominee Reservation and making such reports or recommendations, including appraisals of Menominee tribal property, as may be desired by the tribe, and to make other studies and reports as may be deemed necessary and desirable by the tribe in connection with the termination of Federal supervision as provided for hereinafter. Such reports shall be completed not later than December 31, 1957. Such specialists are to be retained under contracts entered into between them and authorized representatives of the tribe, subject to approval by the Secretary. Such amounts of Menominee tribal funds as may be required for this purpose shall be made available by the Secretary.

Management spe-
cialists.

Sec. 7. The tribe shall formulate and submit to the Secretary a plan or plans for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, including, but not limited to, services in the fields of health, education, welfare, credit, roads, and law and order. The Secretary is authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan or plans heretofore referred to, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and political subdivisions thereof, and members of the tribe: *Provided*, That the responsibility of the United States to furnish all such supervision and services to the tribe and to the members thereof, because of their status as Indians, shall cease on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary.

Tribal property
control plan.

Property title
transfer.

SEC. 8. The Secretary is hereby authorized and directed to transfer to the tribe, on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary, the title to all property, real and personal, held in trust by the United States for the tribe: *Provided, however,* That if the tribe obtains a charter for a corporation or otherwise organizes under the laws of a State or of the District of Columbia for the purpose, among any others, of taking title to all tribal lands and assets and enterprises owned by the tribe or held in trust by the United States for the tribe, and requests such transfer to be made to such corporation or organization, the Secretary shall make such transfer to such corporation or organization.

Income tax.

SEC. 9. No distribution of the assets made under the provisions of this Act shall be subject to any Federal or State income tax: *Provided,* That so much of any cash distribution made hereunder as consists of a share of any interest earned on funds deposited in the Treasury of the United States pursuant to the Supplemental Appropriation Act, 1952 (65 Stat. 736, 754), shall not by virtue of this Act be exempt from individual income tax in the hands of the recipients for the year in which paid. Following any distribution of assets made under the provisions of this Act, such assets and any income derived therefrom in the hands of any individual, or any corporation or organization as provided in section 8 of this Act, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that any valuation for purposes of Federal income tax on gains or losses shall take as the basis of the particular taxpayer the value of the property on the date title is transferred by the United States pursuant to section 8 of this Act.

Publication in
FR.

SEC. 10. When title to the property of the tribe has been transferred, as provided in section 8 of this Act, the Secretary shall publish in the Federal Register an appropriate proclamation of that fact. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this Act shall affect the status of the members of the tribe as citizens of the United States.

Rights of minors,
etc.

SEC. 11. Prior to the transfer pursuant to section 8 of this Act, the Secretary shall protect the rights of members of the tribe who are less than eighteen years of age, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate.

Regulations.

SEC. 12. The Secretary is authorized and directed to promulgate such rules and regulations as are necessary to effectuate the purposes of this Act.

Separability.

SEC. 13. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Approved June 17, 1954.

Public Law 400

CHAPTER 304

AN ACT

To amend section 1923 (a) of title 28, United States Code, relating to docket fees.

June 18, 1954
[S. 251]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first item listed in section 1923 (a) of title 28, United States Code, is amended to read as follows:

Docket fees.
62 Stat. 956.

"\$20 on trial or final hearing (including a default judgment whether entered by the court or by the clerk) in civil, criminal, or admiralty cases, except that in cases of admiralty and maritime jurisdiction where the libellant recovers less than \$50 the proctor's docket fee shall be \$10;".

Approved June 18, 1954.

Public Law 401

CHAPTER 305

AN ACT

To authorize the Secretary of Agriculture to sell certain improvements on national forest land in Arizona to the Salt River Valley Water Users Association, and for other purposes.

June 18, 1954
[S. 1399]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized in his discretion to sell to the Salt River Valley Water Users Association of Arizona, for cash, at a fair appraised value to be determined by him, the following described improvements on national forest lands situated in an unsurveyed portion of township 4 north, range 12 east, Gila and Salt River Meridian, estimated to be within the southwest quarter of the northeast quarter of section 20 of that township in Gila County, State of Arizona:

Roosevelt, Ariz.
Sale of Forest
Service improve-
ments.

all buildings and other physical improvements owned by the United States and under the administration of the Forest Service, Department of Agriculture, situated at the reclamation settlement of Roosevelt, Arizona.

The proceeds of such sale or sales shall, if sufficient for the purpose, be available to the Secretary of Agriculture for the development and improvement of a Forest Service ranger dwelling located elsewhere in the Tonto National Forest. If the development and improvement of such ranger dwelling cannot be accomplished without the use of funds in excess of such proceeds, such proceeds shall be covered into the Treasury as miscellaneous receipts.

Use of proceeds.

Approved June 18, 1954.

Public Law 402

CHAPTER 306

AN ACT

To allow credit in connection with certain homestead entries for military or naval service rendered during the Korean conflict, and for other purposes.

June 18, 1954
[S. 1823]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of the first section of the Act of September 27, 1944, as amended (43 U. S. C. 279-284), is amended to read as follows: "That any person who has served in the military or naval forces of the United

Homestead en-
tries.
Korean veterans.
58 Stat. 747.

States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged from the military or naval forces and who makes homestead entry subsequent to such discharge shall have the period of such service, not exceeding two years, construed to be equivalent to residence and cultivation upon the land for the same length of time.”

(b) The proviso at the end of the first section of such Act is amended to read as follows: “*Provided*, That such compliance shall include bona fide cultivation of at least one-eighth of the area entered under the homestead laws: *Provided further*, That no person who has served in the military or naval forces of the United States for a period of at least ninety days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged shall be disqualified from making homestead entry or from any other benefits of this Act merely by reason of not having reached the age of twenty-one years.”

(c) Section 4 of such Act is amended by striking out “ten years” and inserting in lieu thereof “fifteen years”.

Approved June 18, 1954.

Public Law 403

CHAPTER 307

June 18, 1954
[S. 3096]

AN ACT

To further amend section 4 of the Act of September 9, 1950, in relation to the utilization in an enlisted grade or rank in the Armed Forces of physicians, dentists, or those in an allied specialist category.

Armed Forces
physicians, etc.
Appointments.
50 USC app.
454a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 4 of the Act of September 9, 1950 (64 Stat. 828), as that section was amended by section 3 of the Act of June 29, 1953 (67 Stat. 87), is amended by adding the following proviso at the end thereof: “*Provided*, That any person heretofore or hereafter inducted or ordered to active duty under the authority of this Act who fails to qualify for, or to accept, a commission or whose commission is terminated may be utilized in his professional capacity in an enlisted grade or rank.”

Approved June 18, 1954.

Public Law 404

CHAPTER 308

June 18, 1954
[S. 2761]

AN ACT

To approve repayment contracts negotiated with the Hermiston and West Extension Irrigation Districts, Oregon, and to authorize their execution, and for other purposes.

Oregon.
Repayment con-
tracts.
53 Stat. 1192.
43 USC 485f.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the repayment contracts negotiated as provided in subsection (a) of section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187) by the Secretary of the Interior with the Hermiston Irrigation District dated September 9, 1952, and the West Extension Irrigation District dated September 6, 1952, are approved and the Secretary is authorized to execute them on behalf of the United States.

SEC. 2. The reclassifications of the lands of the Hermiston Irrigation District and the West Extension Irrigation District of the Umatilla project, Oregon, made in accordance with the provisions of section 8 of the Reclamation Project Act of 1939 and approved by the boards of directors of the irrigation districts, are approved. The Secretary, upon execution of said contracts, is authorized to charge off as a permanent loss to the reclamation fund all costs of the Umatilla project except the amounts provided for return to the United States in the contracts approved in section 1 of this Act or in other outstanding contracts, but no adjustment shall be made by the United States by reason thereof with any individual by way of refund of or credit on sums heretofore paid, repaid, returned, or due or payable to the United States.

Approved June 18, 1954.

Land reclassification.

43 USC 485g.

Public Law 405

CHAPTER 309

AN ACT

To amend the Act entitled "An Act to provide for the transportation and distribution of mails on motor-vehicle routes", approved July 11, 1940 (54 Stat. 756).

June 18, 1954
[S. 2773]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to provide for the transportation and distribution of mails on motor-vehicle routes", approved July 11, 1940 (54 Stat. 756), is hereby amended by striking out that part which precedes the first proviso and by inserting, in lieu thereof, the following: "The Postmaster General is authorized to use Government-owned motor vehicles or contract for carrying the mails and postal transportation clerks on routes between points where, in his judgment, conditions justify the operation of such service in motor vehicles especially designed and equipped for the distribution of mail en route:".

Postal service.
Motor-vehicle
routes.

39 USC 505.

Approved June 18, 1954.

Public Law 406

CHAPTER 310

AN ACT

To authorize the transmission and disposition by the Secretary of the Interior of electric energy generated at Falcon Dam on the Rio Grande.

June 18, 1954
[S. 3090]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the electric power and energy generated at Falcon Dam, an international storage reservoir project constructed on the Rio Grande pursuant to the treaty of February 3, 1944, between the United States and Mexico (Treaty Series 994), which is made available to the United States under the provisions of said treaty and under such special agreements as may be concluded between the two Governments pursuant to the provisions of said treaty and not required in the operation of such international project, all as determined by the Commissioner of the United States Section, International Boundary and Water Commission, shall be delivered to the Secretary of the Interior (hereinafter referred to as the Secretary) who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and

Falcon Dam.
Transmission
and disposition of
electric energy.

59 Stat. 1219.

- Rate schedules.** approval by the Federal Power Commission. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the project) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power by the Secretary, in collaboration with the Secretary of State, over a reasonable period of years.
- Preference.** Preference in the sale of such power and energy shall be given to public bodies and cooperatives. The Secretary is authorized, from funds to be appropriated by the Congress, to construct or acquire, by purchase or other agreement, only such transmission lines and related facilities as may be necessary in order to make the power and energy generated at said project available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies.
- Receipts.** SEC. 2. All receipts from the sale of electric power and energy disposed of by the Secretary pursuant to this Act shall be covered into the Treasury of the United States to the credit of miscellaneous receipts as shall also moneys received from the Government of Mexico for any energy which might be delivered to that Government by the United States Section of the International Boundary and Water Commission pursuant to any special agreement concluded in accordance with article 19 of the said treaty.
- 59 Stat. 1251.**
Authority of Secretary. SEC. 3. The Secretary is authorized to perform any and all acts, including the acquisition of rights and property, and to enter into such agreements as may be appropriate for the purpose of carrying out the provisions of this Act applicable to him; and with respect to construction and supply contracts and the acquisition, exchange, and disposition of lands and other property, and the relocation thereof, the Secretary shall have the same authority which he has under sections 12 and 14 of the Reclamation Project Act of 1939.
- 53 Stat. 1197.**
43 USC 388, 389.
- Approved June 18, 1954.

Public Law 407

CHAPTER 311

June 18, 1954
[S. 3524]

AN ACT

To affirm the temporary appointments of certain officers of the Navy, and for other purposes.

Temporary Naval appointments.
Affirmation.
61 Stat. 833.
34 USC 211a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Officer Personnel Act of 1947, as amended, is further amended—

(a) Adding to section 304 a new subsection (t) as follows:

“(t) The President is authorized to affirm within one year after the enactment of this amendatory Act the temporary appointment of an officer serving in a grade by virtue of temporary appointment therein under the Act of July 24, 1941 (55 Stat. 603), as amended, except that this authority shall not apply to temporary appointments which by their terms are of limited duration. Upon affirmation the appointment shall thereafter be considered as having been effected under authority contained in this Act and service in grade under the affirmed appointment shall be computed from the date of the appointment to the grade made under the Act of July 24, 1941 (55 Stat. 603), as amended. Affirmations made under this subsection shall not be subject to qualification by examination. All affirmations of temporary appointments in grades below that of rear admiral effected under this subsection shall be regarded as having been made with the advice and consent of the Senate. The date of rank and registered number of an officer

34 USC 350-350k.

concerned may be readjusted as necessary to maintain for him the precedence evidenced by his position on the appropriate lineal list."

(b) Adding to section 312 new subsections (l) and (m) as follows:

"(l) Officers of the grades of lieutenant or lieutenant (junior grade) except lieutenants of the Nurse Corps, who after March 29, 1951, have twice been considered for selection for promotions under the Act of July 24, 1941 (55 Stat. 603), as amended, and who on the date of enactment of this amendatory Act have not been recommended for promotion may be honorably discharged from the Navy as soon as practicable if they request discharge within a period of six months after the date of enactment of this amendatory Act. Such officers upon discharge pursuant to the provisions of this subsection shall be entitled to receive a lump-sum payment computed as prescribed in subsection (h) of this section.

34 USC 410j.
Discharge on request.

Lump-sum payment.

"(m) The acceptance of a lump-sum payment under subsections (h) or (l) of this section shall not deprive a person of any retirement benefits from the Government to which he would otherwise become entitled, but there shall be deducted from such retirement benefits to such a person such portion thereof as is attributable to the active service in respect of which lump-sum payment shall have been made to him under subsections (h) or (l) until the total of the deductions so made equals the total of such lump-sum payment."

(c) Adding to section 314 a new subsection (v) as follows:

"(v) The provisions of subsection 304 (t) relating to the affirmation of temporary appointments made under the Act of July 24, 1941 (55 Stat. 603), as amended, shall not apply to officers of the Marine Corps."

34 USC 626-1.
Ante, p. 256.
Nonapplicability.

Approved June 18, 1954.

Public Law 408

CHAPTER 312

AN ACT

To amend the Act of January 6, 1951 (64 Stat. 1221), by authorizing certain rehabilitation at the United States Military Academy.

June 18, 1954
[S. 3446]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101, title I, of the Act approved January 6, 1951 (64 Stat. 1221), is hereby amended by inserting immediately following the words "Facilities for Army Field Force stations, \$79,722,525" a comma and the following: "of which \$497,000 shall be available for the repair, rehabilitation, and modification of cadet barracks, buildings numbered 737 and 747 at the United States Military Academy, New York".

Approved June 18, 1954.

Public Law 409

CHAPTER 313

AN ACT

To provide for the transfer of the site of the original Fort Buford, North Dakota, to the State of North Dakota.

June 18, 1954
[H. R. 107]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Act of May 3, 1950 (64 Stat. 98; 40 U. S. C. 440) the Secretary of Agriculture is authorized to consent to a grant, donation, and conveyance by the North Dakota Rural Rehabilitation Corporation to the State of North Dakota, for the use by the North Dakota State Historical Society, of that portion of the site of the

Fort Buford,
N. Dak.
Conveyance.

original Fort Buford, North Dakota, which is more particularly described as follows:

Beginning at a point on the east-west quarter line, said point being located south eighty-nine degrees fifty-four minutes east two thousand three hundred and fifteen feet from the west quarter corner of section 16, in township 152 north, range 104 west, of the fifth principal meridian, Williams County, North Dakota; thence north no degrees six minutes east one thousand four hundred feet; thence south eighty-nine degrees fifty-four minutes east one thousand feet; thence south no degrees six minutes west one thousand four hundred feet to the quarter line; thence along east-west quarter line north eighty-nine degrees fifty-four minutes west one thousand feet to the point of beginning, containing thirty-two and fourteen one-hundredths acres, more or less, in said section.

Restriction.

SEC. 2. The conveyance authorized in the first section shall not be made until the Legislative Assembly of the State of North Dakota and the North Dakota Rural Rehabilitation Corporation have assented thereto.

Approved June 18, 1954.

Public Law 410

CHAPTER 314

June 18, 1954
[H. R. 2226]

AN ACT

To repeal the provision of the Act of July 1, 1902 (32 Stat. 662), as amended, relating to pay of civilian employees of the Navy Department appointed for duty beyond the continental limits of the United States and in Alaska.

Navy Depart-
ment.
Employee transit
pay.
34 USC 506.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph under the heading "Emergency Fund, Navy Department" of the Act of July 1, 1902 (32 Stat. 662), as amended (54 Stat. 383), which reads:

Repeal.

"The Secretary of the Navy, in his discretion, is authorized to pay all civilian employees appointed for duty beyond the continental limits of the United States, and in Alaska, from the date of their sailing from the United States until they report for duty to the officer under whom they are to serve, and while returning to the United States by the most direct route and with due expedition, compensation at a rate corresponding to their rate of pay while actually employed." is repealed.

Approved June 18, 1954.

Public Law 411

CHAPTER 315

June 18, 1954
[H. R. 8487]

AN ACT

To amend the Act of June 19, 1948, to provide for censuses of manufactures, mineral industries, and other businesses, relating to the year 1954.

13 USC 121.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 (a) of the Act of June 19, 1948 (62 Stat. 478), is amended by the addition of the following proviso: "*Provided further,* That the censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades and service establishments, directed to be taken in the year 1954 relating to the year 1953, shall be taken instead in the year 1955 relating to year 1954".

Approved June 18, 1954.

Public Law 412

CHAPTER 316

AN ACT

Authorizing the exchange of certain public lands in the vicinity of Waimea, county of Hawaii, in the Territory of Hawaii for certain privately owned lands.

June 18, 1954
[H. R. 6328]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any limitations imposed by section 73 of the Hawaiian Organic Act, as amended, to the contrary notwithstanding, the Commissioner of Public Lands, with the approval of the Governor and two-thirds of the members of the Board of Public Lands, is hereby authorized and empowered to transfer and convey to Richard Smart, a United States citizen, in exchange and return for the transfer and conveyance in fee simple of all or any portion of the lands owned by said Richard Smart described in section 2, all or any portion of the public land described by the following metes and bounds, but subject to minor variations therein:

Waimea, Hawaii.
Land exchange.
42 Stat. 116.
48 USC 663 and
notes.

Being a portion of the land of Lalamilo at Waimea, South Kohala, Hawaii.

Beginning at a pipe at the southeast corner of this piece of land on the west side of Mamalahoa Highway and on the boundary between the lands of Lalamilo and Waikoloa, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 7907.51 feet North and 9579.87 feet East, thence running by azimuths measured clockwise from true South:

1. $61^{\circ} 19'$ 379.12 feet along the land of Waikoloa to a pipe at fence;
2. $95^{\circ} 47'$ 449.04 feet along fence, along the remainder of the land of Lalamilo;
3. $126^{\circ} 30'$ 2104.59 feet along the remainder of the land of Lalamilo to a concrete post marked +;
4. $126^{\circ} 30'$ 1160.00 feet along the land of Lihue, Grant 1157 to G. W. Macy and James Louzada to a concrete post marked +;
5. $124^{\circ} 39' 15''$ 1937.06 feet along the remainder of the land of Lalamilo;
6. $151^{\circ} 55'$ 2665.00 feet more or less along the remainder of the land of Lalamilo to the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11-A;
7. $275^{\circ} 22'$ 110.00 feet along the South side of the Kamuela-Mahukona Road, Federal Aid Project E-11-A;
8. $274^{\circ} 51'$ 267.20 feet along same;
9. $4^{\circ} 51'$ 375.90 feet along Executive Order 1554 (Public Works Department Corporation Yard);
10. $274^{\circ} 51'$ 270.00 feet along Executive Order 1554 (Public Works Department Corporation Yard);
11. $184^{\circ} 51'$ 187.46 feet along Executive Order 1554 (Public Works Department Corporation Yard);
12. $274^{\circ} 51'$ 693.50 feet along County Garage Lot, Executive Order 1190;
13. $184^{\circ} 51'$ 188.44 feet along same; Thence along the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11A on a curve to the left with a radius of 6030 feet, the chord azimuth and distance being,
14. $274^{\circ} 29' 34''$ 75.20 feet;
15. $4^{\circ} 51'$ 78.20 feet along Grant 10307 to Wm. S. Lindsey, et al.;
16. $274^{\circ} 51'$ 213.60 feet along same;
17. $184^{\circ} 51'$ 84.65 feet along same; Thence along the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11-A on a curve to the left with a radius of 6030 feet, the chord azimuth and distance being,

18. 270° 37' 39" 310.95 feet;
19. 269° 09' 562.60 feet along the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11-A;
20. 359° 09' 350.00 feet along Grant 11059, Apana 1 to A. W. Carter, Trustee;
21. 269° 09' 894.40 feet along same;
22. 179° 09' 282.10 feet along same;
23. 280° 27' 228.40 feet along the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11-A; Thence still along the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11-A on a curve to the right with a radius of 970 feet, the chord azimuth and distance being,
24. 285° 31' 171.30 feet;
25. 290° 35' 267.07 feet along the South side of the Kamuela-Mahukona Road, Federal Aid Project No. E-11-A;
26. 33° 12' 756.60 feet along the Northwest side of 40 foot road reservation and same extended to the north bank of the Waikoloa Stream; Thence following along the north bank of the Waikoloa Stream in all its turns and windings, along General Lease No. 3365, the direct azimuth and distance being,
27. 313° 30' 30" 799.50 feet;
28. 319° 30' 240.00 feet along General Lease No. 3381;
29. 70° 30' 157.55 feet along Grant 10171 to A. W. Carter, Trustee, to a concrete post marked +;
30. 65° 31' 721.59 feet along L. C. Aw. 3202-B to Jose Bowers to a concrete post marked +;
31. 338° 57' 456.70 feet along same to a concrete post marked +;
32. 58° 05' 30" 691.00 feet along L. C. Aw. 8513-B to Kuamoo Hoolu to a concrete post marked +;
33. 323° 10' 396.00 feet along same to a concrete post marked +;
34. 313° 24' 865.00 feet along same to a concrete post marked +;
35. 219° 26' 798.50 feet along same to a concrete post marked +;
36. 226° 34' 30" 323.30 feet along same to a concrete post marked +;
37. 317° 24' 30" 797.30 feet along General Lease No. 3381;
38. 308° 40' 140.00 feet along same;
39. 276° 10' 700.00 feet along same;
40. 250° 30' 580.00 feet along same;
41. 265° 00' 200.00 feet along same;
42. 290° 50' 250.00 feet along same;
43. 11° 00' 97.20 feet along Mamalahoa Highway;
44. 31° 37' 442.35 feet along same;
45. 77° 00' 248.56 feet along the land of Waikoloa to a concrete post marked +;
46. 347° 06' 252.36 feet along the land of Waikoloa;
47. 31° 37' 255.94 feet along Mamalahoa Highway;
48. 54° 51' 131.43 feet along the land of Waikoloa to a concrete post marked +;
49. 14° 05' 83.80 feet along the land of Waikoloa to a concrete post marked +;
50. 347° 24' 47.88 feet along the land of Waikoloa; Thence along the West side of Mamalahoa Highway on a curve to the left with a radius of 1180.92 feet, the chord azimuth and distance being,
51. 15° 44' 03" 399.33 feet;
52. 6° 00' 106.86 feet along the West side of Mamalahoa Highway to the point of beginning and containing a gross area of 292.50 acres and a net area of 288.00 acres after deducting therefrom L. C. Aw. 989 to John Davis (4.50 acres).

SEC. 2. Subject to minor variations therein the aforementioned lands owned by Richard Smart are described by the following metes and bounds:

PARCEL I

Being a portion of the land of Waikoloa situated on the west side of Mamalahoa Highway (Federal Aid Project No. 10-D) at Waimea, South Kohala, Hawaii.

Beginning at a pipe at the northeast corner of this piece of land, on the west side of Mamalahoa Highway (80 feet wide) Federal Aid Project No. 10-D, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 7694.64 feet north and 9552.47 feet east, thence running by azimuths measured clockwise from true south:

1. 6° 00' 1798.44 feet along the west side of Mamalahoa Highway (80 feet wide) Federal Aid Project No. 10-D;
2. 96° 00' 2400.00 feet along the remainder of the land at Waikoloa;
3. 244° 17' 1448.44 feet along the land of Lalamilo to a concrete post marked +;
4. 214° 54' 343.30 feet along the land of Lalamilo to a concrete post marked +;
5. 230° 44' 508.10 feet along the land of Lalamilo to a concrete post marked +;
6. 213° 20' 204.60 feet along the land of Lalamilo to a concrete post marked +;
7. 229° 50' 99.00 feet along the land of Lalamilo to a concrete post marked +;
8. 241° 19' 212.90 feet along the land to Lalamilo to a pipe at fence;
9. 275° 47' 306.77 feet along fence, along the remainder of the land of Waikoloa to the point of beginning and containing an area of 49.93 acres.

PARCEL II

Being all of the land of Lihue Grant 1157 to G. W. Macy and James Louzada situated at Waimea, South Kohala, Hawaii.

Beginning at a concrete post marked + at the most easterly corner of this piece of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU PA" being 8359.31 feet north and 7238.68 feet east, thence running by azimuths measured clockwise from true south:

1. 43° 12' 3436.45 feet along the land of Lalamilo to a concrete post marked +;
2. 104° 09' 30" 1666.40 feet along the land of Lalamilo to a concrete post marked +;
3. 184° 47' 10" 3706.80 feet along the land of Lalamilo to a concrete post marked +;
4. 259° 13' 1225.00 feet along the land of Lalamilo to middle of stonewall;
5. 350° 19' 925.00 feet along the middle of stonewall, along the land of Lalamilo to a pipe in the middle of stonewall, thence following up along the middle of stonewall along the land of Lalamilo, the direct azimuth and distance being,
6. 250° 31' 1318.00 feet to a concrete post marked +;
7. 306° 30' 1160.00 feet along the land of Lalamilo to a concrete post marked +;
8. 349° 20' 675.00 feet along the land of Lalamilo to the point of beginning and containing an area of 258 acres more or less.

SEC. 3. The lands transferred and conveyed by the Territory in exchange shall contain in the transfer and conveyance reservations to the Territory of appropriate easements for pipelines and utilities.

SEC. 4. The exchange which is provided for in this Act shall not be effected by the commissioner of public lands unless and until the values

Easements.

Appraisals.

of the lands involved in the proposed exchange are first determined by appraisals to be made by three competent appraisers to be appointed by the Governor of the Territory of Hawaii showing that the lands belonging to Richard Smart are of equal or greater value than the public lands above mentioned.

Status.

SEC. 5. The lands received by the Territory hereunder shall have the same status and be subject to the same laws as the lands transferred and conveyed in exchange for them.

Effective date.

SEC. 6. This Act shall take effect on and after the date of its approval. Approved June 18, 1954.

Public Law 413

CHAPTER 317

AN ACT

June 18, 1954
[H. R. 2849]

To amend the Act entitled "An Act to authorize the transfer of land from the War Department to the Territory of Hawaii", approved June 19, 1936.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the transfer of land from the War Department to the Territory of Hawaii" approved June 19, 1936, is amended by substituting for the word "park" where the same appears in the last line but one thereof the word "port".

49 Stat. 1535-

Approved June 18, 1954.

Public Law 414

CHAPTER 318

AN ACT

June 18, 1954
[H. R. 5913]

To simplify the handling of postage on newspapers and periodicals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of section 25 (20 Stat. 361, as amended; 39 U. S. C. 286), requiring the manual affixing of postage stamps to certain types of publications with second-class entry be amended by striking the following words: "by stamps affixed".

SEC. 2. This Act shall take effect thirty days after enactment. Approved June 18, 1954.

Public Law 415

CHAPTER 319

AN ACT

June 18, 1954
[H. R. 5831]

To enable the Hawaiian Homes Commission of the Territory of Hawaii to exchange available lands as designated by the Hawaiian Homes Commission Act, 1920, for other publicly owned lands.

Hawaiian Homes
Commission.
Exchange of
lands.

48 USC 698.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204 of the Hawaiian Homes Commission Act, 1920, as amended, be further amended by amending Public Law 297, Eighty-third Congress, second session (68 Stat. 16, 17) to read as follows:

"(4) The Commission may, with the approval of the Governor and the Secretary of the Interior, in order to consolidate its holdings or to better effectuate the purposes of this Act, exchange the title to available lands for land, publicly owned, of an equal value. All land so acquired by the Commission shall assume the status of available lands as though the same were originally designated as such under section

203 hereof, and all lands so conveyed by the Commission shall assume the status of the land for which it was exchanged. The limitations imposed by section 73 (1) of the Hawaiian Organic Act and the land laws of Hawaii as to the area and value of land that may be conveyed by way of exchange shall not apply to exchanges made pursuant hereto. No such exchange shall be made without the approval of the Commissioner of Public Lands and of two-thirds of the members of the Board of Public Lands."

SEC. 2. This Act shall take effect upon its approval.

Approved June 18, 1954.

48 USC 697.

42 Stat. 116.
48 USC 663 and
notes.

Public Law 416

CHAPTER 320

AN ACT

To authorize the commissioner of public lands of the Territory of Hawaii to exchange certain public lands for private lands of equal value required for school purposes.

June 18, 1954
[H. R. 5833]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any limitations imposed by section 73 (1) of the Hawaiian Organic Act, as amended (48 U. S. C. 673), to the contrary notwithstanding, the commissioner of public lands, with the approval of the governor and two-thirds of the members of the board of public lands, is authorized to exchange public lands for private lands of equal value required by the city and county of Honolulu as school sites for the Kahala Elementary School, Waialae High School, and Koko Head Elementary School on the island of Oahu.

Hawaii.
Exchange of
lands.
42 Stat. 116.

SEC. 2. The lands received in the exchange authorized by section 1 shall, except as otherwise provided, have the same status and be subject to the same laws as the lands given in the exchange.

SEC. 3. This Act shall take effect upon its approval.

Approved June 18, 1954.

Public Law 417

CHAPTER 321

AN ACT

To amend sections 201 (a) and 207 (a) of the Hawaiian Homes Commission Act.

June 18, 1954
[H. R. 6888]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 207 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby amended to read as follows:

Hawaiian home
lands.
42 Stat. 110.
48 USC 701.

"(a) The Commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian home lands within the following acreage limits per each lessee: (1) not less than one nor more than forty acres of agricultural lands; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred and fifty nor more than one thousand acres of second-class pastoral lands; or (4) not less than forty nor more than one hundred acres of irrigated pastoral lands; (5) not more than one acre of any class of land to be used as a residence lot: *Provided, however*, That in the case of any existing lease of a farm lot in the Kalanianaʻole Settlement on Molokai, a residence lot may exceed one acre but shall not exceed four acres in area, the location of such area to be selected by the lessee concerned: *Provided further*, That a lease granted to any lessee may include two detached

Lease to natives.

farm lots located on the same island and within a reasonable distance of each other, one of which, to be designated by the Commission, shall be occupied by the lessee as his home, the gross acreage of both lots not to exceed the maximum acreage of an agricultural or pastoral lot, as the case may be, as provided in this section."

48 USC 692.

Definition.

SEC. 2. Subsection (a) of section 201 of the Hawaiian Homes Commission Act, 1920, is hereby amended by adding a paragraph (8) to read as follows:

"(8) The term 'irrigated pastoral land' means land not in the description of agricultural land but which, through irrigation, is capable of carrying more livestock the year through than first-class pastoral land."

Effective date.

SEC. 3. This Act shall take effect upon its approval.

Approved June 18, 1954.

Public Law 418

CHAPTER 322

June 18, 1954
[H. R. 6890]

AN ACT

To approve Act Numbered 27 of the Session Laws of 1951 of the Territory of Hawaii, entitled "An Act to amend Act 24 of the Session Laws of Hawaii 1927, as ratified by the Act of Congress of March 2, 1928, so as to extend the electric light and power franchise granted by said Act to cover the entire districts of Waimea and Koloa on the Island of Kauai, Territory of Hawaii".

Hawaii.
Electric fran-
chise.

45 Stat. 159.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Act Numbered 27 of the Session Laws of 1951 of the Territory of Hawaii, entitled "An Act to amend Act 24 of the Session Laws of Hawaii 1927, as ratified by the Act of Congress of March 2, 1928, so as to extend the electric light and power franchise granted by said Act to cover the entire districts of Waimea and Koloa on the Island of Kauai, Territory of Hawaii," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on May 4, 1951, is hereby approved.

Approved June 18, 1954.

Public Law 419

CHAPTER 323

June 18, 1954
[H. R. 8092]

AN ACT

To facilitate the entry of Philippine traders.

8 USC 1101 and
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon a basis of reciprocity secured by agreement entered into by the President of the United States and the President of the Philippines, a national of the Philippines, and the spouse and children of any such national if accompanying or following to join him, may, if otherwise eligible for a visa and if otherwise admissible into the United States under the Immigration and Nationality Act (66 Stat. 163), be considered to be classifiable as a nonimmigrant under section 101 (a) (15) (E) of said Act if entering solely for the purposes specified in subsection (i) or (ii) of said section.

Approved June 18, 1954.

Public Law 420

CHAPTER 324

AN ACT

To amend the charter of the Columbia Institution for the Deaf, change its name, define its corporate powers, and provide for its organization and administration, and for other purposes.

June 18, 1954
[H. R. 6655]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Columbia Institution for the Deaf, created a body corporate by the Act of Congress approved February 16, 1857, as amended, is hereby continued as a body corporate under the name of Gallaudet College, and hereafter by such name shall be known and have perpetual succession and shall have the powers and be subject to the limitations contained in this Act.

SEC. 2. The purposes of Gallaudet College shall be to provide education and training to deaf persons and otherwise to further the education of the deaf.

SEC. 3. (a) Gallaudet College is hereby invested with all the property and the rights of property, and shall have and be entitled to use all authority, privileges, and possessions and all legal rights which it has, or which it had or exercised under any former name, including the right to sue and be sued and to own, acquire, sell, mortgage, or otherwise dispose of property it may own now or hereafter acquire. Gallaudet College shall also be subject to all liabilities and obligations now outstanding against said corporation under any former name.

(b) With the approval of the Secretary of Health, Education, and Welfare the Board of Directors of Gallaudet College may convey fee simple title by deed, convey by quitclaim deed, mortgage, or otherwise dispose of any or all property title to which is vested in the United States, as trustee, for the sole use of Gallaudet College, the Columbia Institution for the Deaf, or any predecessor corporation: *Provided*, That the proceeds of any such disposition shall be considered a part of the capital structure of the corporation, and may be used solely for the acquisition of real estate for the use of the corporation, for the construction, equipment, or improvement of buildings for such use, or for investment purposes, but if invested only the income from the investment may be used for current expenses of the corporation.

SEC. 4. Gallaudet College is authorized to receive by gift, devise, bequest, purchase, or otherwise, property, both real and personal, for the use of said Gallaudet College, or for the use of any of its departments or other units as may be designated in the conveyance or will, and to hold, invest, use, or dispose of such property for such purpose.

SEC. 5. Gallaudet College shall be under the direction and control of a Board of Directors, composed of thirteen members selected as follows: (1) Three public members of whom: one shall be a United States Senator appointed by the President of the Senate; two shall be Representatives appointed by the Speaker of the House of Representatives; (2) ten other members, all of whom shall be elected by the Board of Directors, who on the effective date of this Act shall include those persons serving as nonpublic members of the Board of Directors of the Columbia Institution for the Deaf immediately prior to such date, and of whom one shall be elected pursuant to regulations of the Board of Directors on nomination by the Gallaudet College Alumni Association for a term of three years. The members appointed from the Senate and House of Representatives shall be appointed for a term of two years at the beginning of each Congress, shall be eligible for reappointment, and shall serve until their successors are appointed. The Board of Directors shall have the power to fill any vacancy in the membership of the Board except for public members. Seven directors shall be a quorum to transact business. The said Board of Directors,

Gallaudet College, D.C.

11 Stat. 161.
D. C. Code 31
ch. 10.

Purposes.

Property rights,
etc.

Gifts, etc.

Board of Directors.

Members.

Quorum.

Removal.

by vote of a majority of its membership, shall have power to remove any member of their body (except the public members) who may refuse or neglect to discharge the duties of a director, or whose removal would, in the judgment of said majority, be to the interest and welfare of said corporation.

Powers.

SEC. 6. The Board of Directors shall have the power to—

(a) make such rules, regulations, and bylaws, not inconsistent with the Constitution and laws of the United States, as may be necessary for the good government of Gallaudet College, for the management of the property and funds of such corporation and for the admission, instruction, care, and discharge of students;

(b) provide for the adoption of a corporate seal and for its use;

(c) fix the date of holding their annual and other meetings;

(d) appoint a president, professors, instructors, and other necessary employees for Gallaudet College, delegate to them such duties as it may deem advisable, fix their compensation, and remove them when, in their judgment, the interest of Gallaudet College shall require it;

(e) elect a chairman and other officers and prescribe their duties and terms of office, and appoint an executive committee to consist of five members, and vest the committee with such of its powers during periods between meetings of the Board as the Board deems necessary;

(f) establish such departments and other units, including a department of higher learning for the deaf, a department of elementary education for the instruction of deaf children, a graduate department, and a research department, as the Board deems necessary to carry out the purpose of Gallaudet College;

(g) confer such degrees and marks of honor as are conferred by colleges and universities generally, and issue such diplomas and certificates of graduation as, in its opinion, may be deemed advisable, and consistent with academic standards;

(h) subject to the provisions of section 7, control expenditures of all moneys appropriated by Congress for the benefit of Gallaudet College; and

(i) control the expenditure and investment of any moneys or funds or property which Gallaudet College may have or may receive from sources other than appropriations by Congress.

GAO, settlement of accounts.

SEC. 7. (a) All financial transactions and accounts of the corporation in connection with the expenditure of any moneys appropriated by any law of the United States for the benefit of Gallaudet College or for the construction of facilities for its use, shall be settled and adjusted in the General Accounting Office.

Annual report.

(b) It shall be the duty of the Board of Directors of Gallaudet College to have made annually a report to the Secretary of Health, Education, and Welfare as soon as practicable after the first day of July of each year the condition of the corporation, embracing in said report the number of students of each description received and discharged during the preceding school year and the number remaining, also the branches and type of training and education taught and progress made therein, together with a statement showing the receipts of said corporation and from what sources, and its expenditures and for what objects.

Appropriation.

SEC. 8. There are hereby authorized to be appropriated such sums as the Congress may determine necessary for the administration, operation, maintenance, and improvement of Gallaudet College, including sums necessary for student aid and research, for the acqui-

tion of property, both real and personal, and for the construction of buildings and other facilities for the use of said corporation.

Sec. 9. (a) The following statutes or parts of statutes are hereby repealed:

Repeals.

Sections 4859, 4860, 4861, 4862, 4863, 4865, 4866, 4868, and 4869 of the Revised Statutes of the United States, and all amendments thereto (31 D. C. Code, 1951 edition, secs. 1001, 1003, 1004, 1005, 1006, 1012, 1015, 1017, and 1019).

Chapter 52, volume 13, Statutes at Large, page 45 (31 D. C. Code, 1951 edition, sec. 1002).

The proviso at the end of the first paragraph under the heading "Columbia Institution for the Deaf and Dumb" in chapter 235, volume 21, Statutes at Large, page 259, which appears at pages 275 and 276 and which reads as follows: "*Provided*, That when any indigent applicant for admission to the institution, belonging to the District of Columbia, and being of teachable age, is found on examination by the president of the institution to be of feeble mind, and hence incapable of receiving instruction among children of sound mind, the Secretary of the Interior may cause such person to be instructed in some institution for the education of feeble-minded children in Pennsylvania, or some other State, at a cost not greater for each pupil than is, or may be for the time being, paid by such State for similar instruction, and the sum necessary therefor is appropriated out of the sum above provided for current expenses of the institution."; together with the amendment thereto at the end of the last paragraph under the heading "Columbia Institution for the Deaf and Dumb" in chapter 837, volume 26, Statutes at Large, page 371, which appears at page 393 and which reads as follows: "and hereafter the estimates for this expense shall each year be submitted in the annual estimates for the expenses of the government of the District of Columbia" (31 D. C. Code, 1951 edition, sec. 1009).

The second proviso at the end of the first paragraph under the heading "Columbia Institution for the Deaf and Dumb" in chapter 143, volume 22, Statutes at Large, page 603, which appears at pages 625 and 626 and which reads as follows: "*Provided further*, That hereafter the report of said institution shall contain an itemized statement of all employees, the salaries or wages respectively, each of them, and also of all other expenses of said institution" (31 D. C. Code, 1951 edition, sec. 1018).

The last clause of the first proviso and all of the second proviso at the end of the first paragraph under the heading "Columbia Institution for the Deaf and Dumb" in chapter 837, volume 26, Statutes at Large, page 371, which appears at page 393 and which reads as follows: "and hereafter there shall not be admitted to said institution under section forty-eight hundred and sixty-five of the Revised Statutes, nor shall there be maintained after such admission, at any one time from any State or Territory exceeding three deaf-mutes while there are applications pending from deaf-mutes, citizens of States or Territories having less than three pupils in said institution: *Provided further*, That hereafter there shall be included in the annual Book of Estimates a statement showing the number of persons employed each year in this institution and the compensation paid to each" (31 D. C. Code, 1951 edition, secs. 1013 and 1014).

The proviso at the end of the first paragraph under the heading "Current expenses of the Columbia Institution for the Deaf and Dumb" in chapter 546, volume 30, Statutes at Large, page 597, which appears at page 624 and which reads as follows: "*Provided*, That directors appointed under the provisions of section forty-eight hundred and sixty-three of the Revised Statutes of the United States shall

D. C. Code 31-1006.

31 USC 71. remain in office until the appointment and acceptance of office of their successors; and the directors of the institution shall have control of the disbursement of all moneys appropriated by Congress for the benefit of said institution, accounts for which shall be settled and adjusted at the Treasury Department as required by the provisions of section two hundred and thirty-six of the Revised Statutes" (31 D. C. Code, 1951 Ed., sec. 1007).

(b) All other laws and parts of laws, or of the charter heretofore granted, as amended, which are in conflict with this Act are hereby repealed.

Approved June 18, 1954.

Public Law 421

CHAPTER 329

June 18, 1954
[H. R. 8044]

AN ACT

To extend the authorization for funds for the hospitalization of certain veterans in the Philippines.

Philippine veter-
erans.
62 Stat. 1210.
50 USC app.
1994.
Hospitalization
grants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of Public Law 865, Eightieth Congress, is hereby amended to read as follows:

"SEC. 4. Grants for expenses incident to hospitalization may be made for a period not to exceed ten years to reimburse the Republic of the Philippines for moneys expended for such hospitalization: *Provided*, That the total of such grants for any one calendar year shall not exceed the following amounts: For any year prior to 1955, \$3,285,000; for 1955, \$3,000,000; for 1956, \$2,500,000; for 1957, \$2,000,000; for 1958, \$1,500,000; and for 1959, \$1,000,000."

Approved June 18, 1954.

Public Law 422

CHAPTER 334

June 21, 1954
[S. 1794]

AN ACT

To reimburse the South Dakota State Hospital for the Insane for the care of Indian patients.

S. Dak. State
Hospital for the
Insane.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the South Dakota State Hospital for the Insane, Yankton, South Dakota, the sum of \$8,124.29, in full satisfaction of its claim against the United States for compensation for services furnished Indian patients from the Rosebud and Pine Ridge Indian Agencies: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 21, 1954.

Public Law 423

CHAPTER 337

AN ACT

To authorize the Commissioners of the District of Columbia to sell certain property owned by the District of Columbia located in Montgomery County, Maryland, and for other purposes.

June 22, 1954
[S. 2654]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized and empowered, in their discretion, for the best interests of the District of Columbia, to sell and convey, in whole or in part, to the highest bidder at public or advertised sale, real estate now owned in fee simple by the District of Columbia consisting of approximately seventeen and seventeen one-hundredths acres of land located in Montgomery County, in the State of Maryland, and described in two certain deeds, namely, (1) a deed made November 7, 1898, from Damaris A. Sellman and Frederick O. Sellman to the District of Columbia, recorded on November 21, 1898, in liber T. D. numbered 6, folio 238, one of the land records of Montgomery County, Maryland, and (2) a deed made April 1, 1899, from Damaris A. Sellman and Frederick O. Sellman to the District of Columbia, recorded April 12, 1899, in liber T. D. numbered 8, folio 141, one of the land records of Montgomery County, Maryland.

D. C. land sale.
Montgomery
County, Md.

SEC. 2. The said Commissioners are further authorized to pay the reasonable and necessary expenses of sale of each parcel of land sold pursuant to the provisions of this Act, and shall deposit the net proceeds thereof in the Treasury of the United States to the credit of the District of Columbia.

Deposit of pro-
ceeds.

Approved June 22, 1954.

Public Law 424

CHAPTER 338

AN ACT

To amend the Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia".

June 22, 1954
[S. 2657]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 39 of the Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929 (45 Stat. 1338, as amended; sec. 2-130, D. C. Code, 1951 edition), is amended to read as follows:

Healing Arts
Practice Act,
D. C., 1928.
Penalties for vi-
olations.

"SEC. 39. (a) Any person violating the provisions of this Act, except section 2 hereof, shall be punished by a fine of not more than \$100 or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

D.C. Code 2-102.

"(b) Any person violating the provisions of section 2 of this Act shall be punished, for the first offense, by a fine of not more than \$500 or by imprisonment for not more than six months, or by both such fine and imprisonment; for the second offense, by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment; and for the third and subsequent offenses, by a fine of not more than \$5,000 or imprisonment for not more than five years, or by both such fine and imprisonment.

"(c) For the purposes of subsection (b) of this section, an offender shall be considered a second or subsequent offender, as the case may be, if he previously has been convicted of the offense of practicing medicine or the healing art without a license, either in the District of

Columbia or in any of the States or Territories of the United States. After an offender has been convicted of the violation of the provisions of section 2 of this Act, but prior to pronouncement of sentence, the court shall be advised by the United States attorney whether the conviction is the offender's first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth the prior conviction or convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the jury to be the person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in subsection (b) of this section."

Approved June 22, 1954.

Public Law 425

CHAPTER 339

June 22, 1954
[S. 3050]

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended.

Tobacco.
Excess market-
ing.

50 Stat. 21.
7 USC 1314.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 314 (a) of the Agricultural Adjustment Act of 1938, as amended, is hereby amended to read as follows: "The marketing of any kind of tobacco in excess of the marketing quota for the farm on which the tobacco is produced shall be subject to a penalty of 50 per centum of the average market price (calculated to the nearest whole cent) for such kind of tobacco for the immediately preceding marketing year."

This amendment shall become effective October 1, 1954, except that in the case of flue-cured tobacco such amendment shall become effective July 1, 1955.

Approved June 22, 1954.

Public Law 426

CHAPTER 357

June 24, 1954
[S. 2225]

AN ACT

Relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

Oregon public
land jurisdiction.
Revested Oreg.
and Calif. R.R.
grant.

National-forest
lands.

27 Stat. 1027;
28 Stat. 1243; 34
Stat. 3239, 3270,
3280, 3300.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) those unselected and unpatented odd-numbered sections within the indemnity limits of the Oregon and California Railroad land grant authorized by the Act of July 25, 1866 (14 Stat. 239), as amended by the Act of April 10, 1869 (16 Stat. 47), and for which payment was made by the United States to such railroad or its successors in interest under the Act of June 9, 1916 (39 Stat. 218), pursuant to the decree in the case of United States against Oregon and California R. R. Co. (8 F. (2d) 645), which were included within the boundaries of national forests by proclamations of the President of the United States issued under the dates of June 17, 1892, September 28, 1893, October 5, 1906, January 25, 1907, March 1, 1907, and March 2, 1907, are hereby declared to be revested Oregon and California railroad grant lands; and said lands shall continue to be administered as national-forest lands by the Secretary of Agriculture subject to all laws, rules, and regulations applicable

to the national forests: *Provided*, That all revenues hereafter derived from said lands and those revenues heretofore derived from such lands and placed in special deposit by agreement between the Secretary of Agriculture and the Secretary of the Interior shall be disposed of in accordance with the provisions of title II of the Act approved August 28, 1937 (50 Stat. 874) as hereby amended, and said lands shall not hereafter be subject to the provisions of any other laws or parts of laws which otherwise prescribe the disposal or distribution of receipts from lands of the United States, except that none of the provisions of this Act shall affect revenues heretofore distributed. No part of said lands or the resources thereof shall be subject to exchange under the provisions of this or any other law applicable to national-forest lands or otherwise.

(b) Subsection (a) of title II of the Act approved August 28, 1937 (50 Stat. 874), is amended by adding at the end thereof the following proviso: "*Provided, however*, That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county".

SEC. 2. The Secretary of the Interior and the Secretary of Agriculture are authorized and directed, within two years after the enactment of this Act, to exchange administrative jurisdiction of revested Oregon and California railroad grant lands lying within the boundaries of any national forest or within two miles of such boundaries, and national-forest lands of approximately equal aggregate value, when by such exchange the administration of the lands will be facilitated. Such exchanges shall be made subject to outstanding contracts, permits or other existing rights: *Provided*, That the said national-forest lands, administrative jurisdiction of which is transferred to the Secretary of the Interior, shall be excluded from the national forest and shall become subject to administration under the same provisions of law as the revested lands in exchange for which they were transferred, and the revested lands, administrative jurisdiction of which is transferred to the Secretary of Agriculture, shall become a part of the national forests subject to administration under the laws applicable to national forests: *Provided further*, That subject to the requirement of approximate equal aggregate value for the overall exchange, the revested lands and the national-forest lands, administrative jurisdiction of which is exchanged in any county, shall be approximately equal in area unless otherwise agreed to by the counties concerned. The exchanges provided for herein shall in each case be evidenced by an order signed by the Secretary of the Interior and the Secretary of Agriculture and such orders shall be transmitted to the Division of the Federal Register for filing and publication.

SEC. 3. For the purpose of consolidating and thereby facilitating administration and accounting the Secretary of Agriculture is authorized to designate in the several counties in which the lands described in section 1 of this Act are situated (such designation to be published in the Federal Register), an area of national-forest land of a value substantially equal to the value of the lands in such county from which all revenues shall be disposed of in accordance with the provisions of title II of the Act of August 28, 1937 (50 Stat. 874), and upon such designation the provisions of that Act shall be applicable to the lands so designated in lieu of the lands described in section 1 of this Act: *Provided, however*, That such designation shall not become effective until approved by the county court of the county in which the lands are located.

Revenues.

50 Stat. 875.
43 USC 1181f.County pay-
ments.Administrative
exchanges.

Equal value.

Publication in
FR.
Lands in lieu of
certain national
forest land.Publication in
FR.

43 USC 1181f.

Approval.

Appropriations.

SEC. 4. For the purpose of carrying out the provisions of sections 2 and 3 of this Act there are hereby authorized to be appropriated such sums as the Congress may from time to time determine to be necessary.

Approved June 24, 1954.

Public Law 427

CHAPTER 358

June 24, 1954
[S. 1004]

AN ACT

To amend section 86, Revised Statutes of the United States relating to the District of Columbia, as amended.

District of Co-
lumbia.
Employment of
parolees, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 86, Revised Statutes of the United States relating to the District of Columbia, as amended (sec. 1-316, D. C. Code, 1951 edition), is amended (a) by striking therefrom the words "person convicted of bribery, perjury, or other infamous crime, nor any", and (b) by adding at the end thereof the following: "Except upon the written approval of the Commissioners, or of an official or officials of the District acting pursuant to rules and regulations issued by the Commissioners, no person who has been convicted of a felony in the District of Columbia or of an offense in any other jurisdiction which, if committed in the District, would be a felony, shall be employed in or by the government of the District of Columbia or any agency thereof."

Approved June 24, 1954.

Public Law 428

CHAPTER 359

June 24, 1954
[H. R. 8583]

AN ACT

Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1955, and for other purposes.

Independent Of-
fices Appropria-
tion Act, 1955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1955, namely:

TITLE I

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum, as authorized by the Act of January 19, 1949 (3 U. S. C. 102), \$150,000.

63 Stat. 4.

THE WHITE HOUSE OFFICE

Salaries and expenses: For expenses necessary for The White House Office, including not to exceed \$215,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at such per diem rates for individuals as the President may specify, and

60 Stat. 810.

other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; newspapers, periodicals, teletype news service, and travel and official entertainment expenses of the President, to be accounted for solely on his certificate; \$1,895,000.

EXECUTIVE MANSION AND GROUNDS

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Mansion and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, \$366,200.

BUREAU OF THE BUDGET

Salaries and expenses: For expenses necessary for the Bureau of the Budget, including newspapers and periodicals (not exceeding \$200); teletype news service (not exceeding \$900); not to exceed \$70,000 for expenses of travel; and not to exceed \$20,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; \$3,382,500: *Provided*, That the Bureau of the Budget is authorized, without regard to section 505 of the Classification Act of 1949, to place two additional positions in grade GS-18 and two additional positions in grade GS-17 of the General Schedule established by said Act.

60 Stat. 810.

63 Stat. 959.
5 USC 1105.

COUNCIL OF ECONOMIC ADVISERS

Salaries and expenses: For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U. S. C. 1021), including newspapers and periodicals (not exceeding \$200); not exceeding \$15,000 for expenses of travel; and press clippings (not exceeding \$300); \$285,000, together with the unobligated balance of funds appropriated for this purpose in the "Supplemental Appropriation Act, 1954".

60 Stat. 23.

NATIONAL SECURITY COUNCIL

Salaries and expenses: For expenses necessary for the National Security Council, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of \$50 per diem for individuals; acceptance and utilization of voluntary and uncompensated services; and expenses of attendance at meetings concerned with work related to the activity of the Council; \$215,000.

60 Stat. 810.

OFFICE OF DEFENSE MOBILIZATION

Salaries and expenses: For expenses necessary for the Office of Defense Mobilization, including newspapers and periodicals (not exceeding \$500); hire of passenger motor vehicles; reimbursement of the General Services Administration for security guard service; and expenses of attendance at meetings concerned with the purposes of this appropriation; \$2,161,000, of which \$161,000 shall be available for the Interdepartmental Radio Advisory Committee: *Provided*, That contracts for not to exceed eight persons under this appropriation for temporary or intermittent services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), may be renewed annually.

60 Stat. 810.

FUNDS APPROPRIATED TO THE PRESIDENT

EMERGENCY FUND FOR THE PRESIDENT

NATIONAL DEFENSE

For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, to provide in his discretion for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, \$150,000, together with not to exceed \$600,000 of the unobligated balance in such fund on June 30, 1954: *Provided*, That no part of this appropriation shall be available for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Eighty-third Congress, second session, and Eighty-fourth Congress, first session, and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body.

EXPENSES OF MANAGEMENT IMPROVEMENT

60 Stat. 810. For expenses necessary to assist the President in improving the management of executive agencies and in obtaining greater economy and efficiency through the establishment of more efficient business methods in Government operations, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed \$50 per diem, by allocation to any agency or office in the executive branch for the conduct, under the general direction of the Bureau of the Budget, of examinations and appraisals of, and the development and installation of improvements in, the organization and operations of such agency or of other agencies in the executive branch, \$300,000, to remain available until expended, and which shall be available without regard to the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended.

31 USC 665.

INDEPENDENT OFFICES

ADVISORY COMMITTEE ON WEATHER CONTROL

SALARIES AND EXPENSES

15 USC 311 note. For necessary expenses of the Advisory Committee on Weather Control, established by the Act of August 13, 1953 (67 Stat. 559), including services as authorized by section 15 of the Act of August 2, 60 Stat. 810. 1946 (5 U. S. C. 55a), \$120,000.

AMERICAN BATTLE MONUMENTS COMMISSION

60 Stat. 317. Salaries and expenses: For necessary expenses, as authorized by the Act of June 26, 1946 (36 U. S. C. 121, 123-132, 138), including the acquisition of land or interest in land in foreign countries; purchase and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its Territories and possessions at a cost not exceeding \$500; not to exceed \$12,000 for expenses of travel; rent of office and garage space in foreign countries; purchase of one passenger motor vehicle for replacement only; and

insurance of official motor vehicles in foreign countries when required by law of such countries; \$775,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission may reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

Station allow-
ance.

Reimbursements.

Construction of memorials and cemeteries: For expenses necessary for the permanent design and construction of memorials and cemeteries in foreign countries as authorized by the Act of June 26, 1946 (36 U. S. C. 121, 123-132, 138b), and the Act of August 5, 1947 (50 U. S. C. App. 1819), including purchase of one passenger motor vehicle for replacement only, and not to exceed \$41,276 for expenses of travel, \$3,500,000, to remain available until expended: *Provided*, That the Commission is hereby authorized to erect such works of architecture and art in the National Memorial Cemetery of the Pacific as may be determined by the Commission with the consent of the Secretary of the Army: *Provided further*, That the Commission may reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

60 Stat. 317.

61 Stat. 779.

National Memo-
rial Cemetery of
the Pacific.

ATOMIC ENERGY COMMISSION

Operating expenses: For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1946, including the employment of aliens; rental in or near the District of Columbia only if no suitable Government-owned space is available in such area as determined by the General Services Administration; services authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); maintenance and operation of aircraft; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; purchase of newspapers and periodicals (not to exceed \$5,000); official entertainment expenses (not to exceed \$5,000); not to exceed \$2,564,130 for expenses of travel; reimbursement of the General Services Administration for security guard services; not to exceed \$37,232,900 for personal services; and hire of passenger motor vehicles; \$1,098,962,300, together with the unexpended balances, as of June 30, 1954, of prior year appropriations made available under this head to the Atomic Energy Commission: *Provided*, That of such amounts \$100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That no part of this appropriation shall be used to pay the salary of any officer or employee (except such officers and employees whose compensation is fixed by law, and scien-

60 Stat. 775.
42 USC 1801
note.

60 Stat. 810.

Transfer of
funds.

Salary restric-
tion.

63 Stat. 954.
5 USC 1071 note.

Cost-plus-a-
fixed-fee contract,
etc.

42 USC 1801
note.

Unexpended bal-
ances.

Reactor re-
search and con-
struction.

Construction re-
strictions.

Contract pay-
ments.

tific and technical personnel) whose position would be subject to the Classification Act of 1949, as amended, if such Act were applicable to such position, at a rate in excess of the rate payable under such Act for positions of equivalent difficulty or responsibility: *Provided further*, That no part of this appropriation shall be used in connection with the payment of a fixed fee to any contractor or firm of contractors engaged under a cost-plus-a-fixed-fee contract or contracts at any installation of the Commission, where that fee for community management is at a rate in excess of \$90,000 per annum, or for the operation of a transportation system where that fee is at a rate in excess of \$45,000 per annum.

Plant and equipment: For expenses of the Commission in connection with the purchase and construction of plant and the acquisition of equipment and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1946, including purchase of land and interests in land; purchase of aircraft; purchase (not to exceed two hundred and fifty-eight for replacement only) and hire of passenger motor vehicles; \$110,882,400, to remain available until expended: *Provided*, That the unexpended balances of prior year appropriations made available under this head shall be merged with this appropriation: *Provided further*, That in addition to funds allocated for research and development for reactors the Commission may expend from funds provided under this head such sum as may be necessary, not to exceed \$7,000,000, for beginning of research or construction of such reactors, without regard to any other provision of this Act: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of any office building, residence, warehouse or similar structure, utility, or other specific portion or unit of a project, unless funds are available for the completion of such building, utility, or other specific portion or unit of such project. The foregoing proviso shall not be construed to prevent the purchase of land for any project, the construction of any new building or procurement of any machinery, equipment or materials therefor, nor any utility nor any portion or unit of a specific project if the funds are available to pay the cost of such land, the cost of such building, machinery, equipment or materials, or the cost of such utility or the cost of any such specific portion or unit of such project: *Provided further*, That no part of this appropriation shall be used—

(A) to start any new construction project for which an estimate was not included in the budget for the current fiscal year unless it be a substitute therefor within the limits of cost included in the budget; and

(B) to start any new construction project the currently estimated cost of which exceeds by thirty-five per centum the estimated cost included therefor in such budget: *Provided further*, That not to exceed \$2,500,000 of the funds herein provided may be transferred to the Bureau of Public Roads, Department of Commerce, for the construction or improvement of access roads in the United States to sources of uranium ore.

No part of the appropriations herein made to the Atomic Energy Commission shall be available for payments under any contract hereafter negotiated without advertising by the Commission, except contracts with any foreign government or any agency thereof and contracts for source material with foreign producers, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of three years after final payment have access to and the right to examine any directly pertinent books, documents,

papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts: *Provided*, That no part of such appropriations shall be available for payments under any such contract which includes any provision precluding an audit by the General Accounting Office of any transaction under such contract.

GAO audit.

Any appropriation available under this Act or heretofore made to the Atomic Energy Commission may initially be used subject to limitations in this Act during the fiscal year 1955 to finance the procurement of materials, services, or other costs which are a part of work or activities for which funds have been provided in any other appropriation available to the Commission: *Provided*, That appropriate transfers or adjustments between such appropriations shall subsequently be made for such costs on the basis of actual application determined in accordance with generally accepted accounting principles.

Transfer of funds.

Not to exceed 5 per centum of any appropriation under this head may be transferred to any other such appropriation but no such appropriation shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the appropriations committees of the House and Senate.

Restriction. Report to Congressional Committees.

No part of any appropriation herein made to the Atomic Energy Commission shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

AEC fellowships. Disloyalty restrictions.

Penalty.

CIVIL SERVICE COMMISSION

Salaries and expenses: For necessary expenses, including not to exceed \$29,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed \$10,000 for medical examinations performed for veterans by private physicians on a fee basis; travel expenses of examiners acting under the direction of the Commission, and expenses of examinations and investigations held in Washington and elsewhere; not to exceed \$100 for the purchase of newspapers and periodicals (excluding scientific, technical, trade or traffic periodicals, for official use); payment in advance for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; not to exceed \$65,000 for performing the duties imposed upon the Commission by the Act of July 19, 1940 (54 Stat. 767); reimbursement of the General Services Administration for security guard services for protection of confidential files; not to exceed \$443,000 for expenses of travel; and not to exceed \$5,000 for actuarial services by contract, without regard to section 3709, Revised Statutes, as amended;

60 Stat. 810.

5 USC 1181, 1182-1183.

41 USC 5.

\$15,575,600: *Provided*, That no details from any executive department or independent establishment in the District of Columbia or elsewhere to the Commission's central office in Washington or to any of its regional offices shall be made during the current fiscal year, but this shall not affect the making of details for service as members of the boards of examiners outside the immediate offices of the Commission in Washington or of the regional directors, nor shall it affect the making of details of persons qualified to serve as expert examiners on special subjects: *Provided further*, That the Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees to or from its office or field force.

Emergency transfers.
Legal Examining Unit.

No part of the appropriations herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit in the Examining and Personnel Utilization Division of the Commission, established pursuant to Executive Order 9358 of July 1, 1943, or for the compensation or expenses of any member of a board of examiners (1) who has not made affidavit that he has not appeared in any agency proceeding within the preceding two years, and will not thereafter while a board member appear in any agency proceeding, as a party, or in behalf of a party to the proceeding, before an agency in which an applicant is employed who has been rated or will be rated by such member; or (2) who, after making such affidavit, has rated an applicant who at the time of the rating is employed by an agency before which the board member has appeared as a party, or in behalf of a party, within the preceding two years: *Provided*, That the definitions of "agency", "agency proceeding", and "party" in section 2 of the Administrative Procedure Act shall apply to these terms as used herein.

3 C F R 1943 Supp., p. 30.

Definitions.
60 Stat. 237.
5 USC 1001.

Officers allocating supervisory positions.

No part of appropriations herein shall be used to pay the compensation of officers and employees of the Civil Service Commission who allocate or reallocate supervisory positions in the classified civil service solely on the size of the group, section, bureau, or other organization unit, or on the number of subordinates supervised. References to size of the group, section, bureau, or other organization unit or the number of subordinates supervised may be given effect only to the extent warranted by the workload of such organization unit and then only in combination with other factors, such as the kind, difficulty, and complexity of work supervised, the degree and scope of responsibility delegated to the supervisor, and the kind, degree, and value of the supervision actually exercised.

International organizations, employees.
3 C F R, 1953 Supp., p. 57.

Investigations of United States citizens for employment by international organizations: For expenses necessary to carry out the provisions of Executive Order No. 10422 of January 9, 1953, as amended, prescribing procedures for making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning United States citizens employed, or being considered for employment by such organizations, \$400,000, together with not to exceed \$500,000 of the unobligated balance of funds appropriated for this purpose in the "Supplemental Appropriation Act, 1954": *Provided*, That this appropriation shall be available for advances or reimbursements to the applicable appropriations or funds of the Civil Service Commission and the Federal Bureau of Investigation for expenses incurred by such agencies under said Executive order: *Provided further*, That members of the International Organizations Employees Loyalty Board may be paid actual transportation expenses, and per diem in lieu of subsistence authorized by the Travel Expense Act of 1949 while traveling on official business away from their homes or regular places of business, including periods

67 Stat. 426.

63 Stat. 166.
5 USC 835 note.

while en route to and from and at the place where their services are to be performed: *Provided further*, That nothing in sections 281 or 283 of title 18, United States Code, or in section 190 of the Revised Statutes (5 U. S. C. 99) shall be deemed to apply to any person because of appointment for part-time or intermittent service as a member of the International Organizations Employees Loyalty Board in the Civil Service Commission as established by Executive Order 10422, dated January 9, 1953, as amended.

62 Stat. 697.

Annuities, Panama Canal construction employees and Lighthouse Service widows: For payment of annuities authorized by the Act of May 29, 1944, as amended (48 U. S. C. 1373a), and the Act of August 19, 1950 (64 Stat. 465), \$2,354,000.

Annuities.

58 Stat. 258.
33 USC 771-775.

Payment to the civil-service retirement and disability fund for increases in annuities provided by the Act of July 16, 1952: For payment to the "civil-service retirement and disability fund" for the cost, as heretofore determined by the Civil Service Commission, of increases in annuities provided by the Act of July 16, 1952 (66 Stat. 723), for the fiscal year 1955, \$29,623,000.

5 USC 736c.

FEDERAL COMMUNICATIONS COMMISSION

Salaries and expenses: For necessary expenses in performing the duties of the Commission as authorized by law, including newspapers (not to exceed \$175), land and structures (not to exceed \$4,000), special counsel fees, improvement and care of grounds and repairs to buildings (not to exceed \$16,000), services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), purchase of not to exceed nine passenger motor vehicles, for replacement only, in the event adequate vehicles cannot be obtained by transfer from other departments or agencies, and not to exceed \$90,000 for expenses of travel, \$6,544,400, together with not to exceed \$150,000 of the unobligated balance of funds appropriated for this purpose in the "First Independent Offices Appropriation Act, 1954".

60 Stat. 810.

67 Stat. 301.

FEDERAL POWER COMMISSION

Salaries and expenses: For expenses necessary for the work of the Commission, as authorized by law, including not to exceed \$220,000 for expenses of travel; purchase (one for replacement only) and hire of passenger motor vehicles; and not to exceed \$500 for newspapers; \$4,150,000, of which not to exceed \$10,000 shall be available for special counsel and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates not exceeding \$50 per diem for individuals.

60 Stat. 810.

FEDERAL TRADE COMMISSION

Salaries and expenses: For necessary expenses of the Federal Trade Commission, including not to exceed \$500 for newspapers, services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and not to exceed \$144,250 for expenses of travel, \$4,045,000: *Provided*, That no part of the foregoing appropriation shall be expended upon any investigation hereafter provided by concurrent resolution of the Congress until funds are appropriated subsequently to the enactment of such resolution to finance the cost of such investigation: *Provided further*, That no part of the foregoing appropriation shall be available for a statistical analysis of the consumer's dollar.

60 Stat. 810.

GENERAL ACCOUNTING OFFICE

Salaries and expenses: For necessary expenses of the General Accounting Office, including newspapers and periodicals (not exceeding \$500), and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$31,981,000: *Provided*, That the fourth paragraph under the heading "General Accounting Office" in Public Law 137, approved August 31, 1951 (65 Stat. 274), as amended by Public Law 455, approved July 5, 1952 (66 Stat. 399), is further amended by changing "four positions in grade GS-18" to "five positions in grade GS-18", and "thirteen positions in grade GS-16" to "twelve positions in grade GS-16".

60 Stat. 810.

GENERAL SERVICES ADMINISTRATION

Public Build-
ings Service.

Operating expenses, Public Buildings Service: For necessary expenses of real property management and related activities as provided by law; repair and improvement of public buildings and grounds (including furnishings and equipment) under the control of the General Services Administration; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies in connection with the assignment, allocation, and transfer of building space; demolition of buildings; acquisition by purchase or otherwise and disposal by sale or otherwise of real estate and interests therein; and not to exceed \$182,000 for expenses of travel; \$95,960,000: *Provided*, That the foregoing appropriation shall not be available to effect the moving of Government agencies from the District of Columbia into buildings acquired to accomplish the dispersal of departmental functions of the executive establishment into areas outside of but accessible to the District of Columbia.

Dispersal of de-
partmental func-
tions.

Emergency operating expenses: For necessary emergency expenses of the General Services Administration not otherwise provided for, for operation, maintenance, protection, repair, alterations, and improvements of public buildings and grounds (including furnishings and equipment) to the extent that such buildings and grounds are under the control of the General Services Administration for such purposes as are provided for in Public Law 152, Eighty-first Congress, as amended; rental of buildings or parts thereof in the District of Columbia and elsewhere, including repairs, alterations, and improvements necessary for proper use by the Government, without regard to section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a); restoration of leased premises; moving Government agencies in connection with the assignment, allocation, and transfer of building space; and not to exceed \$24,300 for expenses of travel; \$15,647,000: *Provided*, That of this amount, such sums as may be determined by the General Services Administrator to be necessary may be paid into other appropriations of the General Services Administration only for purposes of accounting: *Provided further*, That no part of this appropriation shall be available to effect the moving of Government agencies from the District of Columbia to accomplish the dispersal of departmental functions.

63 Stat. 377.
40 USC 471 note.

47 Stat. 412.

Dispersal of de-
partmental func-
tions.

Repair, improvement, and equipment of federally owned buildings outside the District of Columbia: For expenses necessary for the repair, alteration, preservation, renovation, improvement, equipment, and demolition of federally owned buildings outside the District of Columbia, not otherwise provided for, including grounds, approaches and appurtenances, wharves and piers, together with the necessary dredging adjacent thereto; acquisition of land as authorized by title

III of the Act of June 16, 1949 (40 U. S. C. 297); not to exceed \$100,000 for expenses of travel; and care and safeguarding of sites acquired for Federal buildings; \$12,000,000, to remain available until expended.

63 Stat. 198.
40 USC 297,
297a.

Buildings management fund: For additional working capital for the "Buildings management fund", authorized by the Act approved July 12, 1952 (66 Stat. 594), \$500,000, to remain available without fiscal year limitation.

Operating expenses, Federal Supply Service: For necessary expenses of personal property management and related activities as provided by law; including not to exceed \$300 for the purchase of newspapers and periodicals; and not to exceed \$40,600 for expenses of travel; \$2,600,000.

Federal Supply
Service.

Expenses, general supply fund: For expenses necessary for operation of the general supply fund (except those authorized by law to be charged to said fund), including contractual services incident to receiving, handling, and shipping warehouse items; not to exceed \$250 for purchase of newspapers and periodicals; and not to exceed \$93,100 for expenses of travel; \$12,066,800: *Provided*, That during the current fiscal year the general supply fund shall be available for the purchase of not to exceed twelve passenger motor vehicles for replacement only and for the acquisition of thirteen such vehicles from excesses reported by other agencies, or from forfeitures: *Provided further*, That funds available to the General Services Administration for the current fiscal year shall be available for the hire of passenger motor vehicles.

Operating expenses, National Archives and Records Service: For necessary expenses in connection with Federal records management and related activities as provided by law; and not to exceed \$30,750 for expenses of travel; \$5,000,000, of which \$100,000 shall remain available until expended for nitrate film conversion.

NARS.

Administrative operations: For necessary expenses of executive direction for activities under the control of the General Services Administration, of administrative operations for activities under regular appropriations for "Operating expenses", and of processing and determining renegotiation rebates; including not to exceed \$63,600 for expenses of travel; and not to exceed \$250 for purchase of newspapers and periodicals; \$3,789,500.

Refunds under Renegotiation Act: For refunds under section 201 (f) of the Renegotiation Act of 1951, the unobligated balance of the appropriations granted under this head for the fiscal years 1952, 1953, and 1954, shall remain available until June 30, 1956: *Provided*, That to the extent refunds are made from this appropriation of excessive profits collected under the Renegotiation Act and retained by the Reconstruction Finance Corporation, or its successors, or any of its subsidiaries, the Reconstruction Finance Corporation, or its successors, or the appropriate subsidiary shall reimburse this appropriation.

65 Stat. 23.
50 USC app.
1231.

Strategic and critical materials: Funds available for this purpose during the current fiscal year shall be available for personal services (not to exceed \$7,000,000), services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and not to exceed \$139,000 of such funds shall be available for expenses of travel: *Provided*, That any funds received as proceeds from sale or other disposition of materials on account of the rotation of stocks under said Act shall be deposited to the credit, and be available for expenditure for the purposes, of this appropriation: *Provided further*, That during the current fiscal year, there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with subsection 6 (a) of the Act of July 23, 1946 (50 U. S. C. 98e (a)), may be trans-

60 Stat. 810.

60 Stat. 598.

terred to stockpiles established in accordance with said Act: *Provided further*, That no part of funds available shall be used for construction of warehouses or tank storage facilities.

60 Stat. 596.
50 USC 98 note.

Strategic and critical materials (liquidation of contract authorization): For liquidation of obligations incurred pursuant to authority heretofore granted under this head, to enter into contracts for the purpose of the Strategic and Critical Materials Stock Piling Act of July 23, 1946, not to exceed \$27,600,000 may be expended from funds previously appropriated under the title "Strategic and critical materials": *Provided*, That this amount may be disbursed through the appropriation "Strategic and critical materials" but shall be accounted for separately therein.

62 Stat. 184.

Hospital facilities in the District of Columbia (liquidation of contract authorization): For payment of obligations incurred pursuant to authority provided under the head "Hospital Center, District of Columbia", in the Independent Offices Appropriation Act, 1949, to enter into contracts for construction, \$4,500,000, to remain available until expended: *Provided*, That this amount may be disbursed through the appropriation "Hospital facilities in the District of Columbia", but shall be accounted for separately therein.

61 Stat. 584.

The appropriate foregoing appropriation to the General Services Administration shall be credited with (1) advances or reimbursements for salaries and administrative expenses chargeable against other appropriations of the General Services Administration, and such salaries and expenses may be paid from such foregoing appropriation; (2) cost of maintenance, upkeep, and repair included as part of rentals received from Government corporations pursuant to law (40 U. S. C. 129); (3) reimbursements for services performed in respect to bonds and other obligations under the jurisdiction of the General Services Administration, issued by public authorities, States, or other public bodies, and such services in respect to such bonds or obligations as the Administrator deems necessary and in the public interest may, upon the request and at the expense of the issuing agencies, be provided from the appropriate foregoing appropriation; and (4) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U. S. C. 451ff), and such appropriations or funds may, with the approval of the Bureau of the Budget, be so transferred.

Typewriting machines.

62 Stat. 1225.
50 USC 451 note.

During the current fiscal year, no part of any money appropriated in this or any other Act shall be used during any quarter of such fiscal year to purchase within the continental limits of the United States typewriting machines (except bookkeeping and billing machines) at a price which exceeds 90 per centum of the lowest net cash price, plus applicable Federal excise taxes, accorded the most-favored customer (other than the Government, the American National Red Cross, and the purchasers of typewriting machines for educational purposes only) of the manufacturer of such machines during the six-month period immediately preceding such quarter: *Provided*, That the purchase, utilization, and disposal of typewriting machines shall be performed in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

63 Stat. 377.
40 USC 471 note.

HOUSING AND HOME FINANCE AGENCY

OFFICE OF THE ADMINISTRATOR

Salaries and expenses: For necessary expenses of the Office of the Administrator, including rent in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed \$169,325 for expenses of travel; expenses of attendance at meetings of organizations concerned with the work of the agency; the salary of a special counsel, but not in addition to staff otherwise authorized, at the salary rate of grade GS-18 so long as such position is occupied by the initial incumbent thereof; and transportation expenses and not to exceed \$25 per diem in lieu of subsistence, as authorized by section 5 of the Act of August 2, 1946 (5 U. S. C. 73b-2), for persons serving without compensation as members of any advisory committee established pursuant to title VI of the Housing Act of 1949; \$2,868,500, including additional costs of establishing and operating a central staff for investigation and compliance functions for the Housing and Home Finance Agency, and the Administrator's general supervision and coordination responsibilities under Reorganization Plan Numbered 3 of 1947 shall hereafter carry full authority to assign and reassign functions, to reorganize and to make whatever changes, including the reallocation and transfer of administrative expense funds and authority where applicable, necessary to promote economy, efficiency and fidelity in the operations of the Housing and Home Finance Agency: *Provided*, That necessary expenses of inspections and of providing representatives at the site of projects being undertaken by local public agencies pursuant to title I of the Housing Act of 1949 and of projects financed through loans to educational institutions authorized by title IV of the Housing Act of 1950, shall be compensated by such agencies or institutions by the payment of fixed fees which in the aggregate will cover the costs of rendering such services, and expenses for such purpose shall be considered nonadministrative; and for the purpose of providing such inspections, the Administrator may utilize any agency and such agency may accept reimbursement or payment for such services from such institutions or the Administrator, and shall credit such amounts to the appropriations or funds against which such charges have been made, but such nonadministrative expenses shall not exceed \$500,000.

Capital grants for slum clearance and urban redevelopment: For an additional amount for payment of capital grants as authorized by title I of the Housing Act of 1949, as amended (42 U. S. C. 1453, 1456), \$39,000,000, to remain available until expended: *Provided*, That before approving any local slum clearance program under title I of the Housing Act of 1949, the Administrator shall give consideration to the efforts of the locality to enforce local codes and regulations relating to adequate standards of health, sanitation, and safety for dwellings and to the feasibility of achieving slum clearance objectives through rehabilitation of existing dwellings and areas: *Provided further*, That the authority under title I of the National Housing Act shall be used to the utmost in connection with slum rehabilitation needs.

60 Stat. 810.

60 Stat. 808.

63 Stat. 439.
12 USC 1701h.61 Stat. 954.
5 USC 133y-16
note.63 Stat. 414.
42 USC 1451-
1460.
64 Stat. 77.
12 USC 1749-
1749c.63 Stat. 416,
417.
42 USC 1451-
1460.

PUBLIC HOUSING ADMINISTRATION

Administrative expenses: For administrative expenses of the Public Housing Administration, \$6,950,000, to be merged with and expended under the authorization for such expenses contained in title II of this Act.

50 Stat. 891.

Annual contributions: For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U. S. C. 1410), \$63,950,000.

REDUCTION IN APPROPRIATIONS

65 Stat. 293.
42 USC 1591
note.

Defense housing: The sum of \$4,500,000 of funds heretofore appropriated under this head is hereby rescinded, and such amount shall be covered into the Treasury promptly upon enactment of this Act: *Provided*, That the amount hereby rescinded may be reduced by an amount determined by the Administrator to be required as a reserve for overruns and contingencies in connection with projects heretofore assigned for construction pursuant to Public Law 139 (Eighty-second Congress).

INDIAN CLAIMS COMMISSION

60 Stat. 1049.

Salaries and expenses: For expenses necessary to carry out the purposes of Act of August 13, 1946 (25 U. S. C. 70), creating an Indian Claims Commission, \$117,000, of which not to exceed \$3,560 shall be available for expenses of travel.

INTERSTATE COMMERCE COMMISSION

60 Stat. 810.

General expenses: For necessary expenses of the Interstate Commerce Commission not otherwise provided for, including not to exceed \$5,000 for employment of special counsel; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; newspapers (not to exceed \$200); purchase of not to exceed twenty passenger motor vehicles for replacement only; and not to exceed \$260,000 for expenses of travel; \$9,816,000, of which \$100,000 shall be available for valuations of pipelines and \$1,100,000 shall be available for the Section of Complaints, Bureau of Motor Carriers: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

64 Stat. 798.
50 USC app.
2061.

Defense transport activities: For expenses necessary to enable the Commissioner of the Interstate Commerce Commission who has been delegated functions under the Defense Production Act of 1950, as amended, to carry out such functions, including expenses of attendance at meetings concerned with the purposes of this appropriation, \$170,000.

Railroad safety: For expenses necessary in performing functions authorized by law (45 U. S. C. 1-15, 17-21, 35-46, 61-64; 49 U. S. C. 26) to insure a maximum of safety in the operation of railroads, including authority to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation, including those pertaining to block-

signal and train-control systems, as authorized by the joint resolution approved June 30, 1906, and the Sundry Civil Act of May 27, 1908 (45 U. S. C. 35-37), and to require carriers by railroad subject to the Act to install automatic train-stop or train-control devices as prescribed by the Commission (49 U. S. C. 26), including the employment of inspectors and engineers, and including not to exceed \$163,050 for expenses of travel, \$974,500.

34 Stat. 838.

35 Stat. 325.

41 Stat. 498.

Locomotive inspection: For expenses necessary in the enforcement of the Act of February 17, 1911, entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto", as amended (45 U. S. C. 22-34), including not to exceed \$112,620 for expenses of travel, \$709,500.

36 Stat. 913.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

Contribution to Interstate Commission on the Potomac River Basin: To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), \$5,000.

33 USC 567b.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Salaries and expenses: For necessary expenses of the Committee, including one Director at not to exceed \$17,500 per annum so long as the position is held by the present incumbent; contracts for the making of special investigations and reports and for engineering, drafting and computing services; equipment; not to exceed \$310,000 for expenses of travel; maintenance and operation of aircraft; purchase of two passenger motor vehicles for replacement only; not to exceed \$100 for newspapers and periodicals; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$51,000,000, together with not to exceed \$1,000,000 of the unobligated balance of funds appropriated for this purpose in the "First Independent Offices Appropriation Act, 1954".

60 Stat. 810.

67 Stat. 309.

Construction and equipment: For construction and equipment at laboratories and research stations of the Committee, \$4,620,000, to remain available until expended.

NATIONAL CAPITAL HOUSING AUTHORITY

Maintenance and operation of properties: For the maintenance and operation of properties under title I of the District of Columbia Alley Dwelling Authority Act, \$43,000: *Provided*, That all receipts derived from sales, leases, or other sources shall be covered into the Treasury of the United States monthly: *Provided further*, That so long as funds are available from appropriations for the foregoing purposes, the provisions of section 507 of the Housing Act of 1950 (Public Law 475, Eighty-first Congress), shall not be effective.

52 Stat. 1186.
D. C. Code 5-103
to 5-111.

64 Stat. 81.

NATIONAL CAPITAL PLANNING COMMISSION

D. C. Code 1-
1001 to 1-1113.
60 Stat. 810.

Salaries and expenses: For necessary expenses, as authorized by the National Capital Planning Act of 1952 (66 Stat. 781), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed \$100 for the purchase of newspapers and periodicals; not to exceed \$6,000 for expenses of travel; payment in advance for membership in societies whose publications or services are available to members only or to members at a price lower than to the general public; purchase of one passenger motor vehicle for replacement only; and transportation and not to exceed \$15 per diem in lieu of subsistence, as authorized by section 5 of the Act of August 2, 1946 (5 U. S. C. 73b-2), for members of the Commission serving without compensation; \$143,000.

60 Stat. 808.

D. C. Code 8-102
note.

Land acquisition, National Capital park, parkway, and playground system: Under authority of the Act of May 29, 1930 (46 Stat. 482), as amended, for necessary expenses for the National Capital Planning Commission for acquisition of land for the park, parkway, and playground system of the National Capital, to remain available until expended, \$545,000, of which (a) \$135,000 shall be available for the purposes of section 1 (a) of said Act of May 29, 1930, (b) \$126,000 shall be available for the purposes of section 1 (b) thereof, and (c) \$284,000 shall be available for the purposes of section 4 thereof: *Provided*, That not exceeding \$26,450 of the funds available for land acquisition purposes shall be used during the current fiscal year for necessary expenses of the Commission (other than payments for land) in connection with land acquisition.

NATIONAL SCIENCE FOUNDATION

64 Stat. 149.

60 Stat. 810.

Salaries and expenses: For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U. S. C. 1861-1875), including award of graduate fellowships; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; hire of passenger motor vehicles; not to exceed \$89,500 for expenses of travel; not to exceed \$150 for the purchase of newspapers and periodicals; and reimbursement of the General Services Administration for security guard services; \$12,250,000, to remain available until expended.

RENEGOTIATION BOARD

60 Stat. 810.

Salaries and expenses: For necessary expenses of the Renegotiation Board, including expenses of attendance at meetings concerned with the purposes of this appropriation; hire of passenger motor vehicles; not to exceed \$108,000 for expenses of travel; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; \$4,500,000.

SECURITIES AND EXCHANGE COMMISSION

60 Stat. 810.

Salaries and expenses: For necessary expenses, including not to exceed \$500 for the purchase of newspapers; not to exceed \$125,000 for expenses of travel; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$4,750,000.

SELECTIVE SERVICE SYSTEM

Salaries and expenses: For expenses necessary for the operation and maintenance of the Selective Service System, as authorized by title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed \$250 for the purchase of newspapers and periodicals; not to exceed \$75,000 for expenses of travel, National Administration, Planning, Training, and Records Management; not to exceed \$190,000 for expenses of travel, State Administration, Planning, Training, and Records Servicing; \$92,500 for the National Selective Service Appeal Board, of which not to exceed \$3,875 shall be available for expenses of travel; and \$205,000 for the National Advisory Committee on the Selection of Doctors, Dentists, and Allied Specialists, of which not to exceed \$30,000 shall be available for expenses of travel; \$29,003,063: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

65 Stat. 75.
50 USC app. 451-
471.
60 Stat. 810.

31 USC 665.

Appropriations for the Selective Service System may be used for the destruction of records accumulated under the Selective Training and Service Act of 1940, as amended, which are hereby authorized to be destroyed by the Director of Selective Service after compliance with the procedures for the destruction of records prescribed pursuant to the Records Disposal Act of 1943, as amended (44 U. S. C. 366-380): *Provided*, That no records may be transferred to any other agency without the approval of the Director of Selective Service.

Destruction of
records.

54 Stat. 885.
50 USC app. 318.

57 Stat. 380.

SMALL BUSINESS ADMINISTRATION

Salaries and expenses: For necessary expenses, not otherwise provided for, of the Small Business Administration, including newspapers and periodicals (not exceeding \$500), expenses of attendance at meetings concerned with the purposes of this appropriation and hire of passenger motor vehicles, \$2,025,000, together with not to exceed \$100,000 of the unobligated balance of funds appropriated for this purpose in the Supplemental Appropriation Act, 1954; and in addition, not to exceed \$2,350,000 may be transferred to this appropriation from the Revolving Fund, Small Business Administration, for administrative expenses in connection with activities financed under said Fund.

67 Stat. 427.

REVOLVING FUND, SMALL BUSINESS ADMINISTRATION

For additional capital for the Revolving Fund authorized by the Small Business Act of 1953, to be available without fiscal year limitation, \$25,000,000.

67 Stat. 232.
15 USC 631 note.

REVOLVING FUND, SMALL DEFENSE PLANTS ADMINISTRATION

The Revolving Fund authorized by paragraph (2) of subsection (a) of section 714 of the Defense Production Act of 1950, as amended, shall remain available during the fiscal year 1955 for payment of obligations and direct costs under contracts entered into during the fiscal year 1953.

65 Stat. 139.
50 USC app.
2163a.

SMITHSONIAN INSTITUTION

Salaries and expenses, Smithsonian Institution: For all necessary expenses for the preservation, exhibition, and increase of collections from the surveying and exploring expeditions of the Government and from other sources; for the system of international exchanges between the United States and foreign countries; for anthropological researches among the American Indians and the natives of lands under the jurisdiction or protection of the United States, independently or in cooperation with State, educational, and scientific organizations in the United States, and the excavation and preservation of archeological remains; for maintenance of the Astrophysical Observatory and making necessary observations in high altitudes; for the administration of the National Collection of Fine Arts; for the administration, construction, and maintenance of laboratory and other facilities on Barro Colorado Island, Canal Zone, under the provisions of the Act of July 2, 1940, as amended by the provisions of Reorganization Plan Numbered 3 of 1946; for the maintenance and administration of a national air museum as authorized by the Act of August 12, 1946 (20 U. S. C. 77); including not to exceed \$35,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); not to exceed \$15,225 for expenses of travel; purchase, repair, and cleaning of uniforms for guards and elevator conductors; repairs and alterations of buildings and approaches; and preparation of manuscripts, drawings, and illustrations for publications; \$3,000,000.

54 Stat. 724.
48 USC 1381-
1387.
60 Stat. 1101.
5 USC 1337-16
note.
60 Stat. 997.
60 Stat. 810.

Salaries and expenses, National Gallery of Art: For the upkeep and operation of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators; purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance and repair of buildings, approaches, and grounds; purchase of one passenger motor vehicle, for replacement only; not to exceed \$1,800 for expenses of travel; and not to exceed \$15,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper; \$1,300,000.

53 Stat. 577.
20 USC 74.
60 Stat. 810.

SUBVERSIVE ACTIVITIES CONTROL BOARD

Salaries and expenses: For necessary expenses of the Subversive Activities Control Board, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), not to exceed \$12,500 for expenses of travel, and not to exceed \$100 for the purchase of newspapers and periodicals, \$170,000, together with not to exceed \$115,000 of the unobligated balance of funds appropriated for this purpose in the "First Independent Offices Appropriation Act, 1954" and "The Supplemental Appropriation Act, 1954".

60 Stat. 810.

67 Stat. 311,
428.

TARIFF COMMISSION

Salaries and expenses: For necessary expenses of the Tariff Commission, including subscriptions to newspapers (not to exceed \$200), not to exceed \$13,500 for expenses of travel, and contract stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$1,327,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation or report at the request of any other agency of the executive branch of the government unless reimbursement is made for the cost thereof.

60 Stat. 810.

46 Stat. 701.
19 USC 1336-
1338.

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U. S. C., ch. 12A), including purchase (not to exceed one) and hire, maintenance, and operation of aircraft, and purchase (not to exceed one hundred and fifty for replacement only) and hire of passenger motor vehicles, \$120,000,000, to remain available until expended, and to be available for the payment of obligations chargeable against prior appropriations: *Provided*, That no funds appropriated for the Tennessee Valley Authority by this paragraph shall be used for the maintenance or operation of any aircraft for passenger service that is not specifically confined to the active operation of the official business of the Tennessee Valley Authority by officers or employees of such Authority, and not to exceed \$673,000 (exclusive of travel for work in connection with the construction of transmission lines, dams, and steam plants) of funds available to the Tennessee Valley Authority shall be used for expenses of travel: *Provided further*, That no part of funds available for expenditure by this agency shall be used, directly or indirectly, to acquire a building for use as an administrative office of the Tennessee Valley Authority unless and until the Director of the Bureau of the Budget, following a study of the advisability of the proposed acquisition, shall advise the Committees on Appropriations of the Senate and the House of Representatives and the Tennessee Valley Authority that the acquisition has his approval: *Provided further*, That there shall be available for resource development activities pursuant to the Tennessee Valley Authority Act of 1933, as amended, not to exceed \$1,000,000, of which \$400,000 shall be derived from this appropriation and \$600,000 shall be derived from proceeds of operations of the Tennessee Valley Authority.

48 Stat. 58.
16 USC 831.

Restrictions.

THE TAX COURT OF THE UNITED STATES

Salaries and expenses: For necessary expenses, including contract stenographic reporting services and not to exceed \$45,000 for travel expenses, \$1,000,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

VETERANS ADMINISTRATION

Public relations
work.Educational at-
tendance reports.

General operating expenses: For necessary operating expenses of the Veterans Administration, not otherwise provided for, including expenses incidental to securing employment for war veterans; purchase of fifteen passenger motor vehicles for replacement only; not to exceed \$6,000 for newspapers and periodicals; not to exceed \$2,800,000 for expenses of travel of employees; and not to exceed \$43,700 for preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures, and other visual educational information and descriptive material, including purchase or rental of equipment; \$167,672,300: *Provided*, That no part of this appropriation shall be used to pay in excess of twenty persons engaged in public relations work: *Provided further*, That no part of any appropriation shall be used to pay educational institutions for reports and certifications of attendance at such institutions an allowance at a rate in excess of \$1 per month for each eligible veteran enrolled in and attending such institution.

Medical administration and miscellaneous operating expenses: For expenses necessary for administration of the medical, hospital, domiciliary, special service, construction and supply, research, and employee education and training activities; expenses necessary for carrying out programs of medical research and of education and training of employees, as authorized by law; and not to exceed \$834,388 for expenses of travel of employees paid from this appropriation; \$14,654,000.

25 Stat. 450.

Transfer of
funds.

Inpatient care: For expenses necessary for the maintenance and operation of hospitals and domiciliary facilities and for the care and treatment of beneficiaries of the Veterans Administration in facilities not under the jurisdiction of the Veterans Administration as authorized by law, including the furnishing of recreational articles and facilities; maintenance and operation of farms; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract, or by the hire of temporary employees and purchase of materials; purchase of sixty passenger motor vehicles for replacement only; not to exceed \$315,000 for expenses of travel of employees; and aid to State or Territorial homes in conformity with the Act approved August 27, 1888, as amended (24 U. S. C. 134) for the support of veterans eligible for admission to Veterans Administration facilities for hospital or domiciliary care; \$598,127,000, including the sum of \$7,134,500 for reimbursable services performed for other Government agencies and individuals: *Provided*, That allotments and transfers may be made from this appropriation to the Department of Health, Education, and Welfare (Public Health Service), the Army, Navy, Air Force, and Interior Departments, for disbursement by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans Administration: *Provided further*, That the foregoing appropriation is predicated on furnishing inpatient care and treatment to an average of 127,000 beneficiaries during the fiscal year 1955, excluding members in State or Territorial homes, and if a lesser number is experienced such appropriation shall be expended only in proportion to the average number of beneficiaries furnished such care and treatment.

Dental services.

Outpatient care: For expenses necessary for furnishing outpatient care to beneficiaries of the Veterans Administration, as authorized by law, including not to exceed \$178,000 for expenses of travel of employees; \$82,134,000, of which not exceeding \$11,200,000 shall be

available for outpatient fee basis dental care: *Provided*, That no part of this appropriation shall be available for outpatient dental services and treatment, or related dental appliances with respect to a service-connected dental disability which is not compensable in degree unless such condition or disability is shown to have been in existence at time of discharge and application for treatment is made within one year after discharge or by December 31, 1954, whichever is later: *Provided further*, That this limitation shall not apply to adjunct outpatient dental services or appliances for any dental condition associated with and held to be aggravating disability from such other service-incurred or service-aggravated injury or disease.

Maintenance and operation of supply depots: For expenses necessary for maintenance and operation of supply depots, including not to exceed \$4,400 for expenses of travel of employees, and purchase of two passenger motor vehicles for replacement only, \$1,654,000.

Compensation and pensions: For the payment of compensation, pensions, gratuities, and allowances (including burial awards authorized by Veterans Administration Regulation Numbered 9 (a), as amended, and subsistence allowances authorized by part VII of Veterans Regulation 1a, as amended), authorized under any Act of Congress, or regulation of the President based thereon, including emergency officers' retirement pay and annuities, the administration of which is now or may hereafter be placed in the Veterans Administration, and for the payment of adjusted-service credits as provided in sections 401 and 601 of the Act of May 19, 1924, as amended (38 U. S. C. 631 and 661), \$2,435,000,000, to be immediately available and to remain available until expended.

Readjustment benefits: For the payment of benefits to or on behalf of veterans as authorized by titles II, III, and V, of the Servicemen's Readjustment Act of 1944, as amended, and title II of the Veterans Readjustment Assistance Act of 1952, and for supplies, equipment, and tuition authorized by part VII and payments authorized by part IX of Veterans Administration Regulation Numbered 1 (a), as amended, \$387,000,000, together with the unexpended balance as of June 30, 1954, remaining in the appropriation for "Veterans miscellaneous benefits" to be immediately available and to remain available until expended: *Provided*, That no part of any appropriation to the Veterans Administration shall be available, in connection with any loan authorized by title III of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 694–694n), for payment to the lender by the Administrator of Veterans Affairs, or for credit on the loan, of an amount equivalent to 4 per centum of the amount originally loaned, guaranteed or insured by the Veterans Administration: *Provided further*, That no right to any such payment shall accrue after September 1, 1953, but the foregoing proviso shall not apply with respect to payments based on guarantees made, or certificates of commitments issued, prior to said date or commitments for loans made by the Veterans Administration.

Military and naval insurance: For military and naval insurance, \$4,932,000, to remain available until expended.

Hospital and domiciliary facilities: For hospital and domiciliary facilities, for planning and for extending, with the approval of the President, any of the facilities under the jurisdiction of the Veterans Administration or for any of the purposes set forth in sections 1 and 2 of the Act approved March 4, 1931 (38 U. S. C. 438j–k) or in section 101 of the Servicemen's Readjustment Act of 1944 (38 U. S. C. 693a), to remain available until expended, \$47,000,000: *Provided*, That notwithstanding any other provisions of existing law the Veterans Administration is authorized to advance not to exceed \$2,000,000 from

Limitation.

38 USC ch. 12A.

43 Stat. 125.

58 Stat. 287.
38 USC 701, 694–
694n, ch. 12A.
66 Stat. 663.
38 USC 911–984.

38 USC ch. 12A.

59 Stat. 626.

Time limitation.

46 Stat. 1550.
58 Stat. 284.

construction funds previously appropriated, to the city of Cleveland, Ohio, for the construction or extension of necessary water facilities to the site of the proposed Veterans Administration hospital, this amount to be repaid by the city of Cleveland in cash or water over a period of years as determined by the Veterans Administration and the city of Cleveland.

54 Stat. 1008.
38 USC 818.

National service life insurance: For the payment of benefits and for transfer to the national service life insurance fund, in accordance with the National Service Life Insurance Act of 1940, as amended, \$30,570,000, to remain available until expended: *Provided*, That certain premiums shall be credited to this appropriation as provided by the Act.

65 Stat. 33.
38 USC 851 note.

Servicemen's indemnities: For payment of liabilities under the Servicemen's Indemnity Act of 1951, \$30,000,000, to remain available until expended.

62 Stat. 1210.

Grants to the Republic of the Philippines: For payment to the Republic of the Philippines of grants in accordance with the Act of July 1, 1948 (50 U. S. C. App. 1991–1996), for expenses incident to medical care and treatment of veterans, \$1,564,000.

Major alterations, improvements, and repairs: For all necessary expenses of major alterations, improvements, and repairs to regional offices, supply depots, and hospital and domiciliary facilities, \$3,480,000, to remain available until expended: *Provided*, That no part of the foregoing appropriation shall be used to commence any major alteration, improvement, or repair unless funds are available for the completion of such work; and no funds shall be used for such work at any facility if the Veterans Administration is reasonably certain that the installation will be abandoned in the near future.

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", "Military and naval insurance", "National service life insurance", and "Servicemen's indemnities", may be transferred, to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriation so augmented.

60 Stat. 810.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

38 USC ch. 12A.

Appropriations available to the Veterans Administration for the current fiscal year for "Inpatient care" and "Outpatient care" shall be available for funeral, burial, and other expenses incidental thereto (except burial awards authorized by Veterans Administration Regulation Numbered 9 (a), as amended), for beneficiaries of the Veterans Administration receiving care under such appropriations.

No part of the appropriations in this Act for the Veterans Administration (except the appropriation for "Hospital and domiciliary facilities") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

REDUCTIONS IN APPROPRIATIONS

The appropriation heretofore granted for "Soldiers' and sailors' civil relief" is hereby reduced by the sum of \$500,000, and said amount shall be carried to the surplus of the Treasury.

The appropriations heretofore granted for "Vocational rehabilitation revolving fund (Act of Mar. 24, 1943)", are hereby reduced by the sum of \$400,000, and said amount shall be carried to the surplus of the Treasury.

57 Stat. 43.
38 USC ch. 12A.

WAR CLAIMS COMMISSION

PAYMENT OF CLAIMS

For payment of claims, as authorized by the War Claims Act of 1948, as amended, from funds deposited in the Treasury to the credit of the war claims fund created by section 13 (a) of said Act, such sums as may be necessary, to be available to the Secretary of the Treasury for payment of claims under sections 4 (a), 4 (b) (2), 5 (a) through (e), 6, and 7 of said Act to the payees named and in the amounts stated in certifications by the War Claims Commission and the Secretary of Labor or their duly authorized representatives, which certifications shall be in lieu of any vouchers which might otherwise be required: *Provided*, That this appropriation shall not be available for administrative expenses: *Provided further*, That no claims shall be allowed or paid under the provisions of said War Claims Act of 1948 from any funds other than those covered into the Treasury pursuant to the provisions of section 39 of the Trading With the Enemy Act of October 6, 1917, as amended, as provided by section 13 (a) of said War Claims Act of 1948.

62 Stat. 1240.
50 USC app.
2001 note.

62 Stat. 1246.
50 USC app. 39.
50 USC app.
2012.

ADMINISTRATIVE EXPENSES

For expenses necessary to complete the activities of the War Claims Commission, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); expenses of attendance at meetings concerned with the purposes of this appropriation; not to exceed \$4,000 for expenses of travel; and advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; \$515,000, to be derived only from the war claims fund created by section 13 (a) of the War Claims Act of 1948 (Public Law 896, approved July 3, 1948) and not to be available for obligation after March 31, 1955.

60 Stat. 810.

50 USC app.
2012.

INDEPENDENT OFFICES—GENERAL PROVISIONS

SEC. 102. Where appropriations in this title are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System.

Travel expenses.

SEC. 103. Where appropriations in this title are expendable for the purchase of newspapers and periodicals and no specific limitation has been placed thereon, the expenditures therefor under each such appropriation may not exceed the amount of \$50: *Provided*, That this limitation shall not apply to the purchase of scientific, technical, trade, or traffic periodicals necessary in connection with the performance of the authorized functions of the agencies for which funds are herein provided.

Newspaper and
periodical pur-
chases.

SEC. 104. No part of any appropriation contained in this title shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satis-

Positions form-
erly held by per-
sons entering
Armed Forces.

factorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

Attendance at meetings.

SEC. 105. Appropriations contained in this title, available for expenses of travel shall be available, when specifically authorized by the head of the activity or establishment concerned, for expenses of attendance at meetings of organizations concerned with the function or activity for which the appropriation concerned is made.

Real estate sales, etc.

SEC. 106. No part of any appropriations made available by the provisions of this title shall be used for the purchase or sale of real estate or for the purpose of establishing new offices outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

Personnel work.

SEC. 107. No part of any appropriation contained in this title shall be used to pay the compensation of any employee engaged in personnel work in excess of the number that would be provided by a ratio of one such employee to one hundred and thirty-five, or a part thereof, full-time, part-time, and intermittent employees of the agency concerned: *Provided*, That for purposes of this section employees shall be considered as engaged in personnel work if they spend half time or more in personnel administration consisting of direction and administration of the personnel program; employment, placement, and separation; job evaluation and classification; employee relations and services; training; wage administration; and processing, recording, and reporting.

Nonsapplicability.

SEC. 108. None of the sections under the head "Independent Offices, General Provisions" in this title shall apply to the Housing and Home Finance Agency or the Tennessee Valley Authority.

TITLE II—CORPORATIONS

The following corporations and agencies, respectively, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Budget for the fiscal year 1955 for each such corporation or agency, except as herein-after provided:

61 Stat. 584.
31 USC 849.

HOUSING AND HOME FINANCE AGENCY

Federal National Mortgage Association: Not to exceed \$3,238,000 shall be available for administrative expenses, which shall be on an accrual basis, and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, fees for servicing mortgages, expenses (including services performed on a force account, contract, or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to said Association or in which it has an interest, cost of salaries, wages, travel, and other expenses of persons employed outside of the continental United States, expenses of services performed on a contract or fee basis in

connection with the performance of legal services, and all administrative expenses reimbursable from other Government agencies; and said Association may utilize and may make payment for services and facilities of the Federal Reserve banks and other agencies of the Government: *Provided*, That the distribution of administrative expenses to the accounts of the Association shall be made in accordance with generally recognized accounting principles and practices: *Provided further*, That not to exceed \$87,750 shall be available for expenses of travel: *Provided further*, That administrative expenses not under limitation for the purposes set forth in the budget schedules for the fiscal year 1955 shall not exceed \$150,000.

Office of the Administrator, housing loans to educational institutions: Not to exceed \$375,000 shall be available for all administrative expenses, which shall be on an accrual basis, of carrying out the functions of the Office of the Administrator under the program of housing loans to educational institutions (title IV of the Housing Act of 1950, 12 U. S. C. 1749–1749d), but this amount shall be exclusive of payment for services and facilities of the Federal Reserve banks or any member thereof, the Federal home-loan banks, and any insured bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, as amended, 12 U. S. C. 264) which has been designated by the Secretary of the Treasury as a depository of public money of the United States: *Provided*, That not to exceed \$19,000 shall be available for expenses of travel.

Office of the Administrator, revolving fund (liquidating programs): There is established as of June 30, 1954, a revolving fund, and the Administrator is authorized to credit said fund with all moneys hereafter obtained or now held by him or by any constituent agency of the Housing and Home Finance Agency or any other official thereof, and to account under said fund for all assets and liabilities, in connection with (1) community facilities provided or assisted under title II of the Lanham Act, as amended (42 U. S. C. 1531–1534), or under title III of the Defense Housing and Community Facilities and Services Act of 1951, as amended (42 U. S. C. 1592–1592n); (2) loans or advances made pursuant to title V of the War Mobilization and Reconversion Act of 1944 (58 Stat. 791), or the Act of October 13, 1949 (40 U. S. C. 451–458); (3) functions transferred under Reorganization Plan No. 23 of 1950 (5 U. S. C. 133z–15, note), or authorized under sections 102, 102a, 102b, and 102c of the Housing Act of 1948, as amended (12 U. S. C. 1701g–1701g–3); (4) notes or other obligations purchased pursuant to the Alaska Housing Act, as amended (48 U. S. C. 484 (a)); (5) subsistence homesteads and greentowns (Acts of June 29, 1936, 49 Stat. 2035, and May 19, 1949, 63 Stat. 68); (6) public war housing under title I of the Lanham Act, as amended (42 U. S. C. 1521–1524), and defense housing under title III of the Defense Housing and Community Facilities and Services Act of 1951, as amended (42 U. S. C. 1592–1592n); and (7) veterans' re-use housing under title V of the Lanham Act, as amended (42 U. S. C. 1571–1575): *Provided*, That said fund shall be available for all necessary expenses (including administrative expenses) in connection with the liquidation of the programs carried out pursuant to the foregoing provisions of law, including operation, maintenance, improvement, or disposition of facilities, and for disbursements pursuant to outstanding commitments against moneys herein authorized to be credited to said fund, repayment of obligations to the Treasury, and refinancing and refunding operations on existing loans: *Provided further*, That any amount in said fund which is determined to be in excess of requirements for the purposes hereof shall be declared and paid as liquidating dividends to the Treasury not less often than annually: *Provided further*, That

64 Stat. 77.

49 Stat. 168; 64
Stat. 873.

55 Stat. 361.

65 Stat. 303.

63 Stat. 841.

64 Stat. 1279.

62 Stat. 1275; 65
Stat. 312.

63 Stat. 58.

40 USC 431–434.

54 Stat. 1125.

65 Stat. 303.

59 Stat. 260.

64 Stat. 873.
12 USC 1811-
1831.

63 Stat. 59.

64 Stat. 1279.
5 USC 1332-15
note.

during the current fiscal year not to exceed \$3,940,000 shall be available for administrative expenses (including not to exceed \$265,000 for travel) for the foregoing purposes, but this amount shall be exclusive of costs of services performed on a contract or fee basis in connection with termination of contracts and legal services on a contract or fee basis and of payment for services and facilities of the Federal Reserve banks or any member thereof, any servicer approved by the Federal National Mortgage Association, the Federal home-loan banks, and any insured bank within the meaning of the Act of August 23, 1935, as amended, creating the Federal Deposit Insurance Corporation (12 U. S. C. 264) which has been designated by the Secretary of the Treasury as a depository of public money of the United States: *Provided further*, That after the effective date of this Act no additional notes or obligations shall be purchased from funds appropriated pursuant to the Alaska Housing Act, as amended (48 U. S. C. 484 (d)), except for the furtherance or refinancing of an existing loan: *Provided further*, That except for extensions, or refinancing, of existing obligations the authority to issue obligations to the Secretary of the Treasury under section 1 (4) of Reorganization Plan No. 23 of 1950 (5 U. S. C. 1332-15, note), shall terminate on June 30, 1954: *Provided further*, That all expenses, not otherwise specifically limited in this Act, in connection with the programs administered pursuant to the foregoing provisions of law shall not exceed \$20,000,000.

Home Loan Bank Board: Not to exceed a total of \$775,000 shall be available for administrative expenses of the Home Loan Bank Board, and shall be derived from funds available to the Home Loan Bank Board, including those in the Home Loan Bank Board revolving fund and receipts of the Federal Home Loan Bank Administration, the Federal Home Loan Bank Board, or the Home Loan Bank Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, and other agencies of the Government: *Provided*, That all necessary expenses in connection with the conservatorship of institutions insured by the Federal Savings and Loan Insurance Corporation and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home-loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That not to exceed \$35,000 shall be available for expenses of travel: *Provided further*, That notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U. S. C. 1421-1449): *Provided further*, That the non-administrative expenses for the examination of Federal and State chartered institutions shall not exceed \$2,395,000.

47 Stat. 725.

Federal Savings and Loan Insurance Corporation: Not to exceed \$455,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses,

and payments for administrative expenses of the Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Home Loan Bank Board, and other agencies of the Government: *Provided*, That not to exceed \$6,500 shall be available for expenses of travel: *Provided further*, That notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U. S. C. 1724-1730).

48 Stat. 1255.

Federal Housing Administration: In addition to the amounts available by or pursuant to law (which shall be transferred to this authorization) for the administrative expenses in carrying out duties imposed by or pursuant to law, not to exceed \$5,150,000 of the various funds of the Federal Housing Administration shall be available for expenditure, in accordance with the National Housing Act, as amended (12 U. S. C. 1701): *Provided*, That, except as herein otherwise provided, all expenses and obligations of said Administration shall be incurred, allowed, and paid in accordance with the provisions of said Act: *Provided further*, That not to exceed \$175,000 shall be available for expenses of travel: *Provided further*, That funds available for expenditure shall be available for contract actuarial services (not to exceed \$1,500): and purchase of periodicals and newspapers (not to exceed \$500): *Provided further*, That expenditures for non-administrative expenses classified by section 2 of Public Law 387, approved October 25, 1949, shall not exceed \$25,000,000.

48 Stat. 1246.

63 Stat. 905.
12 USC 1702.

Public Housing Administration: Of the amounts available by law for the administrative expenses of the Public Housing Administration in carrying out duties imposed by law including funds appropriated by title I of this Act not to exceed \$6,950,000, shall be available for such expenses, including not to exceed \$500,000 for expenses of travel; and expenses of attendance at meetings of organizations concerned with the work of the Administration: *Provided*, That necessary expenses of providing representatives of the Administration at the sites of non-Federal projects in connection with the construction of such non-Federal projects by public housing agencies with the aid of the Administration, shall be compensated by such agencies by the payment of fixed fees which in the aggregate in relation to the development costs of such projects will cover the costs of rendering such services, and expenditures by the Administration for such purpose shall be considered nonadministrative expenses, and funds received from such payments may be used only for the payment of necessary expenses of providing representatives of the Administration at the sites of non-Federal projects: *Provided further*, That all expenses of the Public Housing Administration not specifically limited in this Act, in carrying out its duties imposed by law, shall not exceed \$1,530,000: *Provided further*, That during the fiscal year 1955 the Commissioner shall continue to make every effort to refund all local bonds held by the Public Housing Administration under the United States Housing Act of 1937, as amended.

50 Stat. 888.
42 USC 1430.

CORPORATIONS—GENERAL PROVISIONS

SEC. 202. No part of the funds of, or available for expenditure by, any corporation or agency included in this title shall be used to pay the compensation of any employee engaged in personnel work in excess of the number that would be provided by a ratio of one such

Personnel work.

employee to one hundred and thirty-five, or a part thereof, full-time, part-time, and intermittent employees of the agency concerned: *Provided*, That for purposes of this section employees shall be considered as engaged in personnel work if they spend half-time or more in personnel administration consisting of direction and administration of the personnel program; employment, placement, and separation; job evaluation and classification; employee relations and services; training; committees of expert examiners and boards of civil-service examiners; wage administration; and processing, recording, and reporting.

TITLE III—GENERAL PROVISIONS

Strikes or overthrow of U. S. Government.

Affidavit.

Penalty.

Publicity or propaganda.

Short title.

SEC. 301. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation included in this Act, shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

SEC. 302. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress.

SEC. 303. This Act may be cited as the "Independent Offices Appropriation Act, 1955."

Approved June 24, 1954.

Public Law 429

CHAPTER 401

June 28, 1954
[H. R. 1005]

AN ACT

To authorize the establishment of the Fort Union National Monument, in the State of New Mexico, and for other purposes.

Fort Union National Monument,
N. Mex.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to

preserve and protect, in the public interest, the historic Old Fort Union, situated in the county of Mora, State of New Mexico, and to provide adequate public access thereto, the Secretary of the Interior is authorized to acquire on behalf of the United States by donation, or he may procure with donated funds, the site and remaining structures of Old Fort Union, together with such additional land, interests in land, and improvements thereon as the Secretary in his discretion may deem necessary to carry out the purposes of this Act. Donated lands may be accepted subject to such reservations, terms, and conditions as may be satisfactory to the Secretary, including right of reversion to donor, or its successors and assigns, upon abandonment as a national monument, and reservation of mineral rights subject to condition that surface of donated lands may not be used or disturbed in connection therewith, without the consent of the Secretary.

SEC. 2. Upon a determination of the Secretary of the Interior that sufficient land and other property have been acquired by the United States for national-monument purposes, as provided in section 1 of this Act, such property shall be established as the "Fort Union National Monument" and thereafter shall be administered by the Secretary of the Interior in accordance with the laws and regulations applicable to national monuments. An order of the Secretary, constituting notice of such establishment, shall be published in the Federal Register:

Publication in
FR.

Following establishment of the national monument, additional properties may be acquired as provided in section 1 hereof, which properties, upon acquisition of title thereto by the United States, shall become a part of the national monument: *Provided*, That the total area of the national monument established pursuant to this Act shall not exceed one thousand acres, exclusive of such adjoining lands as may be covered by scenic easements.

Additional prop-
erties.

Approved June 28, 1954.

Public Law 430

CHAPTER 402

AN ACT

To authorize the transfer to the regents of the University of California, for agricultural purposes, of certain real property in Napa County, California.

June 28, 1954
[H. R. 3097]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to transfer and convey to the regents of the University of California, upon acceptance by said regents, without cost, the real property comprising twenty acres, more or less, together with the buildings and improvements thereon, constituting the United States Grape Field Station located near Oakville in the county of Napa, State of California. Such property shall be transferred upon the express condition that it shall be used by the regents of the University of California for the benefit of agriculture. In the event that the regents of the University of California shall at any time cease to use such property for such purposes, or attempt to alienate all or any part thereof, all right, title, and interest in and to the said property shall revert to the United States. Any conveyance of this property shall contain a reservation to the United States of all gas, oil, coal, and other minerals and all fissionable materials as may be found in such lands and the right to the use of the lands for extracting and removing same.

University of
California.
Land transfer.

Conditions.

Approved June 28, 1954.

Public Law 431

CHAPTER 403

June 28, 1954
[H. R. 2566]

AN ACT

To amend the Contract Settlement Act of 1944 so as to establish a time limitation upon the filing of certain claims thereunder.

58 Stat. 665.
41 USC 117.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Contract Settlement Act of 1944 is hereby amended by adding at the end of subsection (d) thereof the following: "No person shall be entitled to recover compensation, to receive a settlement of any alleged obligation, or to obtain the benefit of any amendment, confirmation, ratification, or formalization of any alleged contract or commitment under the provisions of subsection (a), (b), (c), or (d) of this section, unless such person shall, on or before one hundred and eighty days after the date of enactment of this sentence, have filed a claim therefor with the contracting agency."

Nonliability.

SEC. 2. No liability shall accrue by reason of the enactment of the first section of this Act which would not otherwise have accrued.
Approved June 28, 1954.

Public Law 432

CHAPTER 404

June 28, 1954
[H. R. 3986]

AN ACT

To authorize the appropriation of additional funds to complete the International Peace Garden, North Dakota.

International
Peace Garden, N.
Dak.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize an appropriation to complete the International Peace Garden, North Dakota", approved October 25, 1949 (63 Stat. 888), is amended by striking out "\$100,000" and by inserting in lieu thereof "\$200,000".

Approved June 28, 1954.

Public Law 433

CHAPTER 405

June 28, 1954
[H. R. 6173]

AN ACT

To provide for the use of the tribal funds of the Southern Ute Tribe of the Southern Ute Reservation, to authorize a per-capita payment out of such funds, and for other purposes.

Southern Ute
Tribe.
Per capita pay-
ment, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of existing laws, the tribal funds now on deposit or hereafter deposited in the United States Treasury to the credit of the Southern Ute Tribe of the Southern Ute Reservation, may be expended or advanced for such purposes and in a manner, including per capita payments, the purchase of land or any interests therein or improvements thereon and water rights, as may be designated by the Southern Ute Tribal Council and approved by the Secretary of the Interior: *Provided*, That the purchase of taxable lands under this authority shall not operate to remove such lands from the tax rolls: *Provided further*, That neither the transfer to the tribe of tribal funds, nor the distribution thereof to individual members of the tribe, as provided herein, from those funds consisting of compensation for lands acquired by the United States Government, shall be

subject to Federal tax: *Provided further*, That any funds advanced for loans by the tribe to individual Indians or associations of Indians shall be subject to regulations established for the making of loans from the revolving loan fund authorized by the Act of June 18, 1934 (25 U. S. C., sec. 470): *And provided further*, That no part of the funds authorized to be expended or advanced by this section shall be paid or disbursed to or received by any agent or attorney on account of any contract for services rendered or to be rendered or expenses in the preparation of any suit against the United States.

Approved June 28, 1954.

48 Stat. 986.

Public Law 434

CHAPTER 406

AN ACT

To amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a three-eighths bushel basket for fruits and vegetables.

June 28, 1954
[H. R. 8357]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to fix standards for hampers, round-stave baskets, and splint-baskets for fruits and vegetables, and for other purposes", approved May 21, 1928, is amended by (1) inserting after "one-fourth bushel" and before "one-half bushel", the words "three-eighths bushel", and (2) by inserting after subparagraph (b) an additional subparagraph (bb) reading as follows:

Fruit and vegetable 3/8-bushel basket.

45 Stat. 685.
15 USC 257.

"(bb) The standard three-eighths bushel hamper or round-stave basket shall contain eight hundred and six and four-tenths cubic inches."

Capacity.

SEC. 2. This Act shall take effect immediately after the date of its enactment.

Effective date.

Approved June 28, 1954.

Public Law 435

CHAPTER 407

AN ACT

To provide for the conveyance of certain hospital supplies and equipment of the United States to the city of Gulfport and to Harrison County, Mississippi.

June 28, 1954
[H. R. 8456]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to convey without consideration to the city of Gulfport, Mississippi, a municipal corporation, and to the Board of Supervisors of Harrison County, Mississippi, acting for and on behalf of the Supervisors' Districts Numbered 2, 3, and 4, and the New Hope, Poplar Head, and West Creek Election Districts of Supervisors' District Numbered 5, all in Harrison County, Mississippi, for use in the Memorial Hospital at Gulfport, Mississippi, all of the personal property and equipment the use of which was granted to the city of Gulfport, Mississippi, and the county of Harrison, Mississippi, by a revocable permit executed for the United States on August 19, 1947, under the direction of the Secretary of the Navy.

Gulfport and Harrison County, Miss.

Conveyance of hospital supplies, etc.

Approved June 28, 1954.

Public Law 436

CHAPTER 408

June 28, 1954
[H. R. 8923]

AN ACT

To provide for the development of the Coosa River, Alabama and Georgia.

Coosa River,
Ala. and Ga.
Development.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in connection with the comprehensive program for the development of the water resources of the Alabama-Coosa River and tributaries, authorized by the Rivers and Harbors Act, approved March 2, 1945 (59 Stat. 10), it is hereby declared to be the policy of the Congress, where private interests are considering applying for authority to undertake the development of resources covered by such authorization, that the power from such development shall be considered primarily for the benefit of the people of the section as a whole and shall be sold to assure the widest possible use, particularly by domestic and rural consumers, and at the lowest possible cost.

Suspension of
plan.

59 Stat. 17.

Dams.

41 Stat. 1063; 49
Stat. 863.
16 USC 791a.
Public uses.

SEC. 2. The authorization of the comprehensive plan for the Alabama-Coosa River and tributaries, as provided in the Rivers and Harbors Act, approved March 2, 1945, insofar as it provides for the development of the Coosa River for the development of electric power, is hereby suspended to permit the development of the Coosa River, Alabama and Georgia, by a series of dams in accordance with the conditions of a license, if issued, pursuant to the Federal Power Act and in accordance with the provisions and requirements of this Act.

SEC. 3. The series of dams, together with the existing hydroelectric power dams on the Coosa River, shall, in the judgment of the Federal Power Commission, be best adapted to the comprehensive plan for the development of the Coosa River for the use or benefit of interstate commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes.

Navigation fa-
cilities.

SEC. 4. The dams constructed by the licensee shall provide a substantially continuous series of pools and shall include basic provisions for the future economical construction of navigation facilities.

Flood control.

SEC. 5. The license relating to such development shall require the maximum flood control storage which is economically feasible with respect to past floods of record but in no event shall such flood control storage be less than that required to compensate for the effects of valley storage displaced by the proposed reservoirs of the licensee; or less in quantity and effectiveness than the amount of flood control storage which could feasibly be provided by the currently authorized Federal multiple purpose project at Howell Mill Shoals constructed to elevation 490, with surcharge storage to elevation 495.

Report to FPC.

SEC. 6. Before a license is issued, the applicant for the license shall submit a report on the details of its plan of development to the Federal Power Commission.

Review and rec-
ommendations.

SEC. 7. The Chief of Engineers shall review any plan of development submitted to the Federal Power Commission for the purpose of acquiring a license and shall make recommendations with respect to such plan to such Commission with particular regard to flood control and navigation, and its adaptability to the comprehensive plan for the entire basin development.

Construction.

SEC. 8. The license may provide for the construction of the series of dams in sequence on the condition that the dam or dams providing the maximum flood control benefits shall be constructed first unless a different order of construction is approved by the Secretary of the Army.

SEC. 9. The operation and maintenance of the dams shall be subject to reasonable rules and regulations of the Secretary of the Army in the interest of flood control and navigation.

Operation and maintenance.

SEC. 10. An allocation of cost of flood control provided in addition to that required to compensate for displaced valley storage and of cost of navigation shall be approved by the Federal Power Commission, taking into consideration recommendations of the Chief of Engineers based upon flood control and navigation benefits estimated by the Chief of Engineers.

Flood control allocation.

SEC. 11. If the Federal Power Commission shall issue a license under this Act, the Commission shall simultaneously make a full report to the Public Works Committees of the Senate and House of Representatives of the Congress, setting out the major provisions and conditions inserted in such license, and a copy of the Commission's report shall forthwith be submitted to the Chief of Engineers who shall review the same and promptly submit to said committees his views as to whether the major provisions and conditions in such license are adaptable to the comprehensive plan. In the event the Congress by legislative enactment adopts a policy of compensating such licensees for navigation and flood control costs, any such allocated navigation and flood control costs are hereby authorized to be compensated through annual contributions by the United States.

FPC license. Report.

SEC. 12. Unless it is beyond the reasonable control of a licensee acting in good faith and exercising due diligence: (1) an application for a preliminary permit under the Federal Power Act relating to the development of the Coosa River shall be prosecuted with reasonable diligence before the Federal Power Commission; (2) an application for a license to construct such dams shall be filed with such Commission within two years after the date of the enactment of this Act; (3) construction of one such dam shall be commenced within a period of one year subsequent to the date of the issuance of a license by such Commission; (4) at least one such dam and its powerplant shall be completed and in operation in accordance with the terms of the license within five years from the date of the issuance of such license by such Commission; and (5) the remaining dams included in the license issued by such Commission shall be completed within ten years from the date of the commencement of construction of the first dam, subject to the provisions of section 13 of the Federal Power Act: *Provided*, That if any of such conditions are not fulfilled, or if the Commission denies the application for a license, the authorization relating to the Alabama-Coosa River provided for in the Act, approved March 2, 1945, shall have the same status as it would have had if this Act had not been enacted, so far as the uncompleted project works are concerned; in which event the outstanding license may be terminated or revoked and the uncompleted and completed project works may be sold or acquired by the United States as provided in sections 13 and 26 of the Federal Power Act.

Time limitations, etc.

16 USC 791a.

16 USC 806.

59 Stat. 17.

16 USC 806, 820.

SEC. 13. Nothing in this Act shall be deemed to affect in any way the authorization of the development of the Alabama-Coosa River and tributaries other than that portion of the development involving projects on the Coosa River or the authority of the Federal Power Commission to issue a license for the complete development of the Coosa River by States or municipalities under section 7 (a) of the Federal Power Act or to find under section 7 (b) of said Act that the development should be undertaken by the United States itself.

16 USC 800.

Approved June 28, 1954.

Public Law 437

CHAPTER 409

June 29, 1954
[H. R. 8779]

AN ACT

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1955, and for other purposes.

Department of
Agriculture and
Farm Credit Ad-
ministration Ap-
propriation Act,
1955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture for the fiscal year ending June 30, 1955, namely:

DEPARTMENT OF AGRICULTURE

TITLE I—REGULAR ACTIVITIES

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

58 Stat. 742.
60 Stat. 810.

For expenses necessary to perform agricultural research relating to production and utilization, to control and eradicate insect pests and plant and animal diseases, and to perform related inspection, quarantine and regulatory work, and meat inspection: *Provided*, That not to exceed \$15,000 of the appropriations hereunder shall be available for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase (for emergency replacement only) of not to exceed one, and the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed \$7,500 and the cost of altering any one building during the fiscal year shall not exceed \$3,750 or two per centum of the cost of the building, whichever is greater:

Research: For research and demonstrations on the production and utilization of agricultural products, and related research and services, including administration of payments to State Agricultural Experiment Stations; \$35,353,000, of which not to exceed \$20,000 shall be available for the construction of an office and a laboratory building at the Southeastern Tidewater Field Station, Fleming, Georgia, and of which not to exceed \$28,000 shall be available for the construction or acquisition of the necessary lands and buildings for a pecan research laboratory at Albany, Georgia, and of which not to exceed \$100,000 shall be available for the construction of a cotton ginning laboratory in the Southeast, including acquisition of necessary land.

31 USC 665.

52 Stat. 344.

62 Stat. 442.
7 USC 150 note.

Plant and animal disease and pest control: For operations and measures to control and eradicate insect pests and plant and animal diseases and for carrying out assigned inspection, quarantine and regulatory activities, as authorized by law; \$17,689,579, of which \$400,000 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, for the control of outbreaks of insects and plant diseases under the joint resolution approved May 9, 1938 (7 U. S. C. 148-148e) to the extent necessary to meet emergency conditions: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of trees, farm animals, farm crops, or other property injured or destroyed as a result of plant insect and disease control activities except potatoes and tomatoes as authorized under the Golden Nematode Act: *Provided further*, That, in the dis-

cretion of the Secretary, no part of this appropriation shall be expended for the control of sweetpotato weevil in any State until such State has provided cooperation necessary to accomplish this purpose, or for barberry eradication until a sum or sums at least equal to such expenditures shall have been made available by States, counties, or local authorities, or by individuals or organizations for the accomplishment of this purpose, or with respect to the golden nematode except as prescribed in section 4 of the Golden Nematode Act.

Meat inspection: For carrying out the provisions of laws relating to Federal inspection of meat and meat-food products; \$14,325,000.

7 USC 150c.

PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO

For payments to the States, Hawaii, Alaska, and Puerto Rico to be paid quarterly in advance where applicable, to carry into effect the provisions of the following Acts relating to agricultural experiment stations:

Hatch Act, the Act approved March 2, 1887 (7 U. S. C. 362, 363, 365, 368, 377-379), \$720,000; Adams Act, the Act approved March 16, 1906 (7 U. S. C. 369), \$720,000; Purnell Act, the Act approved February 24, 1925 (7 U. S. C. 361, 366, 370, 371, 373-376, 380, 382), \$2,880,000; Bankhead-Jones Act, title I of the Act approved June 29, 1935 (7 U. S. C. 427-427g), sections 3 and 5, \$2,863,708, and sections 9 and 11 of said Act as added by the Act of August 14, 1946 (7 U. S. C. 427h, 427j), including administration by the Office of Experiment Stations in the United States Department of Agriculture, \$11,500,000, no part of which latter amount shall be used for beginning construction of any building costing in excess of \$15,000; Hawaii, the Act approved May 16, 1928 (7 U. S. C. 386-386b), extending the benefits of certain Acts of Congress to the Territory of Hawaii, \$90,000; Alaska, the Act approved February 23, 1929 (7 U. S. C. 386c), extending the benefits of the Hatch Act to the Territory of Alaska, \$15,000, and the provisions of section 2 of the Act approved June 20, 1936, as amended (7 U. S. C. 369a), extending the benefits of the Adams and Purnell Acts to the Territory of Alaska, \$75,000; Puerto Rico, the Act approved March 4, 1931, as amended (7 U. S. C. 386d-386f), extending the benefits of certain Acts of Congress to Puerto Rico, \$90,000; section 204 (b) of the Agricultural Marketing Act, the Act approved August 14, 1946 (7 U. S. C. 1623), \$500,000; in all payments to States, Hawaii, Alaska, and Puerto Rico, \$19,453,708.

24 Stat. 440.

34 Stat. 63.

43 Stat. 970.

49 Stat. 436.

60 Stat. 1083.

45 Stat. 571.

45 Stat. 1256.

49 Stat. 1554;
64 Stat. 563.

46 Stat. 1520.

60 Stat. 1089.

FOOT-AND-MOUTH AND OTHER CONTAGIOUS DISEASES OF ANIMALS AND POULTRY

Eradication activities: For expenses necessary in the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, including the payment of claims growing out of destruction of animals (including poultry) affected by or exposed to, or of materials contaminated by or exposed to, any such disease, when there has been compliance with all lawful quarantine regulations, and for foot-and-mouth disease and rinderpest programs undertaken pursuant to the provisions of the Act of February 28, 1947, and the Act of May 29, 1884, as amended (7 U. S. C. 391; 21 U. S. C. 111-122), including expenses in accordance with section 2 of said Act of February 28, 1947, the Secretary may transfer from other appropriations or funds available to the bureaus, corporations, or agencies of the Department such sums as he may deem necessary, but not to exceed \$2,650,000 for eradication of vesicu-

Payment of
claims.61 Stat. 7; 23
Stat. 31.
21 USC 114c.

Basis of ap-
praisement.
21 USC 114b-
114d.

lar exanthema of swine, to be available only in an emergency which threatens the livestock or poultry industry of the country, and any unexpended balances of funds transferred under this head in the next preceding fiscal year shall be merged with such transferred amounts: *Provided*, That, except for payments made pursuant to said Act of February 28, 1947, the payment for animals may be made on appraisal based on the meat, egg-production, dairy, or breeding value, but in case of appraisal based on breeding value no appraisal of any animal shall exceed three times its meat, egg-production, or dairy value and, except in case of an extraordinary emergency to be determined by the Secretary, the payment by the United States shall not exceed one-half of any such appraisements: *Provided further*, That this appropriation shall be subject to applicable provisions contained in the item "Salaries and expenses, Agricultural Research Service".

62 Stat. 198.

Research: For expenses necessary for research authorized by the Act of April 24, 1948 (21 U. S. C. 113a), \$1,900,000.

EXTENSION SERVICE

PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO

67 Stat. 83.
7 USC 341-348.

43 Stat. 654.

60 Stat. 1089.

7 USC 343.

For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953 (Public Law 83), \$38,662,000; under section 5, Clarke-McNary Act (16 U. S. C. 568-568a), \$88,000; and payments and contracts for such work under section 204 (b)-205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1623-1624), \$925,000; in all, \$39,675,000: *Provided*, That funds hereby appropriated pursuant to section 3 (c) of the Act of June 26, 1953 (Public Law 83) shall not be paid to any State, Hawaii, Alaska, or Puerto Rico prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

FEDERAL EXTENSION SERVICE

67 Stat. 83.
7 USC 341-348.
43 Stat. 654.

60 Stat. 1087.

Administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953 (Public Law 83), section 5 of the Clarke-McNary Act (16 U. S. C. 568-568a), and extension aspects of the Agricultural Marketing Act of 1946 (7 U. S. C. 1621-1627), and to coordinate and provide program leadership for the extension work of the Department and the several States, Territories, and insular possessions, \$1,925,000.

Penalty mail: For costs of penalty mail for cooperative extension agents, \$1,942,500.

FARMER COOPERATIVE SERVICE

44 Stat. 802.

For necessary expenses to carry out the Act of July 2, 1926 (7 U. S. C. 451-457), \$408,000.

FOREST SERVICE

SALARIES AND EXPENSES

58 Stat. 742.
60 Stat. 810.
Experimental in-
vestigations.

For expenses necessary, including not to exceed \$15,000 for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), including travel expenses of advisory councils or similar groups; to experiment and make investigations and report on forestry, national forests, forest fires, forest insects and diseases, and lumbering; to advise the owners of woodlands as to the

proper care of the same; to investigate and test American timber and timber trees and their uses, and methods, for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed \$18,500 (\$22,500 in Alaska) with the exception that any building erected, purchased, or acquired, the cost of which was \$18,500 or more, may be improved out of the appropriations made under this Act for the Forest Service by an amount not to exceed 2 per centum of the cost of such building; to protect, administer, and improve the national forests, including tree planting and other measures to prevent erosion, drift, surface wash, soil waste, and the formation of floods, and to conserve water; to ascertain the natural conditions upon and utilize the national forests, to transport and care for fish and game supplied to stock the national forests or the waters therein; for management of lands acquired under the land utilization program; and to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service: *Provided further*, That the appropriations available to the Forest Service for the current fiscal year may be used for the operation and maintenance of aircraft, and the purchase of not to exceed four (for replacement only), and not to exceed \$250,000 of such appropriations may be used for the maintenance, improvement, and construction of aircraft landing fields in, or adjacent to, the national forests, as follows:

National forest protection and management: For the administration, protection, use, maintenance, improvement, and development of the national forests, including the establishment and maintenance of forest tree nurseries, including the procurement of tree seed and nursery stock by purchase, production, or otherwise, seeding and tree planting and the care of plantations and young growth; the maintenance of roads and trails and the construction and maintenance of all other improvements necessary for the proper and economical administration, protection, development, and use of the national forests, including experimental areas under Forest Service administration, except that where direct purchases will be more economical than construction, improvements may be purchased; the construction (not to exceed \$18,500 for any one structure), equipment, and maintenance of sanitary and recreational facilities; timber cultural operations; development and application of fish and game management plans; propagation and transplanting of plants suitable for planting on semiarid portions of the national forests; estimating and appraising of timber and other resources and development and application of plans for their effective management, sale, and use; expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U. S. C. 514); examination, classification, surveying, and appraisal of land incident to effecting exchanges authorized by law and of lands within the boundaries of the national forests that may be opened to homestead settlement and entry under the Act of June 11, 1906, and the Act of August 10, 1912 (16 U. S. C. 506–509), as provided by the Act of March 4, 1913 (16 U. S. C. 512); investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests; not to exceed \$100,000 for the purchase of

Cost of buildings.

Protection, etc., of national forests.

Aircraft.

Landing fields.

Direct purchases.

36 Stat. 963.

34 Stat. 233; 37 Stat. 287, 842.

50 Stat. 525.
59 Stat. 532.

parcels of land and interests therein in Sanders County, Montana, but such land shall not be acquired without the approval of the local government concerned; and all expenses necessary for the use, maintenance, improvement, protection, and general administration of the national forests, and for the management of lands under title III of the Act of July 22, 1937, and the Act of August 11, 1945 (7 U. S. C. 1010-1012); \$30,490,200; *Provided*, That the Secretary may sell at market value any property located in Yalobusha, Chickasaw, and Pontotoc counties, Mississippi, administered under title III of the Act of July 22, 1937, and suitable for return to private ownership under such terms and conditions as would not conflict with the purposes of said Act.

31 USC 665.

Fighting forest fires: For fighting and preventing forest fires on or threatening lands under Forest Service administration, including lands under contract for purchase or in process of condemnation for Forest Service purposes, and for liquidation of obligations incurred in the preceding fiscal year for such purpose, \$6,000,000, of which \$2,500,000 shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, to the extent necessary to meet emergency conditions.

54 Stat. 168.

Control of forest pests: For the control of white pine blister rust pursuant to the Act of April 26, 1940 (16 U. S. C. 594a), including the development and testing of new control methods, \$2,570,000, of which \$360,000 shall be available to the Department of the Interior for the control of white pine blister rust on or endangering Federal lands under the jurisdiction of that Department or lands of Indian tribes which are under the jurisdiction of or retained under restrictions of the United States; and for carrying out the Forest Pest Control Act (16 U. S. C., Supp. V, 594-1—594-5), \$2,367,500, of which \$1,967,500 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, for the purposes of said Act to the extent necessary under the then existing conditions; \$4,937,500.

61 Stat. 177.
31 USC 665.

Forest research: For forest research at forest or range experiment stations, the Forest Products Laboratory, or elsewhere, in accordance with the provisions of sections 1, 2, 3, 4, 7, 8, 9, and 10 of the Act approved May 22, 1928, as amended (16 U. S. C. 581, 581a-581c, 581f-581i), including the construction and maintenance of improvements; fire, silvicultural, watershed, forest insects and diseases, and other forest investigations and experiments; investigations and experiments to develop improved methods of management of forest and related ranges; experiments, investigations, and tests of forest products; marketing research and service on timber and timber products; a comprehensive forest survey; and investigations in forest economics; \$6,538,500: *Provided*, That funds may be advanced to cooperators under such regulations as the Secretary may prescribe when such action will stimulate or facilitate cooperative work.

45 Stat. 699.

FOREST ROADS AND TRAILS

42 Stat. 218; 49 Stat. 1520.

23 USC 23 note.

For expenses necessary for carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921, as amended (23 U. S. C. 23, 23a), relating to forest development roads and trails, including the construction, reconstruction, and maintenance of roads and trails on experimental areas under Forest Service administration, \$16,000,000, which sum is authorized to be appropriated by the Acts of September 7, 1950 (64 Stat. 786), and June 25, 1952 (66 Stat. 158), to remain available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings necessary for the storage and repair of equipment and supplies used for road and trail construction and main-

tenance, but the total cost of any such building purchased, altered, or constructed under this authorization shall not exceed \$18,500 (\$22,500 in Alaska), with the exception that any building erected, purchased, or acquired, the cost of which was \$18,500 or more, may be improved within any fiscal year by an amount not to exceed 2 per centum of the cost of such buildings.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

Weeks Act

For the acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U. S. C. 513–519, 521), \$125,000, to be available only for payment of the purchase price of any lands acquired, including the cost of surveys in connection with such acquisition: *Provided*, That no part of this appropriation shall be used for acquisition of any land which is not within the boundaries of a national forest: *Provided further*, That no part of this appropriation shall be used for the acquisition of any land without the approval of the local government concerned.

36 Stat. 961.

Special Acts

For the acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forest, in accordance with the provisions of the following Act authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amount from such receipts: Cache National Forest, Utah, Act of May 11, 1938 (Public Law 505), as amended, \$10,000: *Provided*, That no part of this appropriation shall be used for acquisition of any land which is not within the boundaries of a national forest: *Provided further*, That no part of this appropriation shall be used for the acquisition of any land without the approval of the local government concerned.

52 Stat. 347.

STATE AND PRIVATE FORESTRY COOPERATION

For expenses necessary for cooperation with the various States in forest-fire prevention and suppression, in forest tree planting, in forest management and processing, and in farm forestry extension, pursuant to the Act of August 25, 1950 (16 U. S. C. 568c, 568d), and sections 1, 2, 3, 4, and 5 of the Act of June 7, 1924 (16 U. S. C. 564–568a), and Acts supplementary thereto; advising timberland owners, associations, and other appropriate agencies in the application of forest management principles to federally owned lands leased to States and to private forest lands, and advising wood-using industries in processing of forest products, so as to attain sustained-yield management, the conservation of the timber resources, the productivity of forest lands, and the stabilization of employment and economic continuance of forest industries; \$10,683,690.

64 Stat. 473.

43 Stat. 653.

COOPERATIVE RANGE IMPROVEMENTS

For artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous and noxious plants on national forests as authorized by section 12 of the Act of April 24, 1950 (16 U. S. C. 580h), \$400,000, to remain available until expended.

64 Stat. 85.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

49 Stat. 163. For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U. S. C. 590a–590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures as may be necessary to prevent floods and the siltation of reservoirs); operation of conservation nurseries; classification and mapping of soils; dissemination of information; purchase and erection or alteration of permanent buildings; operation and maintenance of aircraft; and furnishing of subsistence to employees; \$59,085,671: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$2,500, except for eight buildings to be constructed or improved at a cost not to exceed \$15,000 per building and except that alterations or improvements to other existing permanent buildings costing \$2,500 or more may be made in any fiscal year in an amount not to exceed \$500 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That in the State of Missouri, where the State has established a central State agency authorized to enter into agreements with the United States or any of its agencies on policies and general programs for the saving of its soil by the extension of Federal aid to any soil conservation district in such State, the agreements made by or on behalf of the United States with any such soil conservation district shall have the prior approval of such central State agency before they shall become effective as to such district: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U. S. C. 590a–590f), in demonstration projects: *Provided further*, That not to exceed \$5,000 may be used for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the service.

Cost of buildings.

Restrictions.

58 Stat. 742.
60 Stat. 810.

WATERSHED PROTECTION

49 Stat. 163. For expenses necessary to conduct surveys, investigations, and research and to carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the provisions of the Act of April 27, 1935 (16 U. S. C. 590a–590f), to remain available until expended, \$5,500,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for watershed protection purposes.

FLOOD PREVENTION

49 Stat. 1570.
33 USC 701a-
701h. For expenses necessary, in accordance with the Flood Control Act, approved June 22, 1936 (Public Law 738), as amended and supplemented, and in accordance with the provisions of laws relating to the activities of the Department, to make preliminary examinations and surveys, and to perform works of improvement, and to plan the agri-

cultural phases of the development of the Arkansas-White-Red River area, the New England-New York area, including not to exceed \$100,000 for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed \$100 per diem, to remain available until expended, \$7,482,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for flood prevention purposes: *Provided*, That no part of such funds shall be used for the purchase of lands in the Yazoo and Little Tallahatchie watersheds without specific approval of the county board of supervisors of the county in which such lands are situated, nor shall any part of such funds be used for the purchase of lands in the counties of Adair, Cherokee, and Sequoyah, in the State of Oklahoma, and Neosho, Cottonwood, Verdigris, Caney, and tributaries in Kansas, without the specific approval of the Board of County Commissioners of the county in which such lands are situated: *Provided further*, That of the funds available herein, not in excess of \$6,504,500 (with which shall be merged the unexpended balances of funds heretofore made available for these purposes) may be expended in watersheds heretofore authorized by section 13 of the Flood Control Act of December 22, 1944, for necessary gully control, floodwater detention, and floodway structures in areas other than those over which the Department of the Army has jurisdiction and responsibility.

53 Stat. 742.
60 Stat. 810.

Purchase of
lands.

58 Stat. 905.

WATER CONSERVATION AND UTILIZATION PROJECTS

For expenses necessary to carry out the functions of the Department under the Acts of May 10, 1939 (53 Stat. 685, 719), October 14, 1940 (16 U. S. C. 590y-z-10), as amended and supplemented, June 28, 1949 (Public Law 132), and September 6, 1950 (7 U. S. C. 1033-1039), relating to water conservation and utilization projects, to remain available until expended, \$480,000, which sum shall be merged with the unexpended balances of funds heretofore appropriated to said Department for the purposes of said Acts.

54 Stat. 1119.
63 Stat. 277.
64 Stat. 769.

AGRICULTURAL CONSERVATION PROGRAM SERVICE

For necessary expenses to carry into effect the provisions of section 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U. S. C. 590g-590q), including not to exceed \$6,000 for the preparation and display of exhibits, including such displays at State, interstate and international fairs within the United States; \$191,700,000, to remain available until December 31 of the next succeeding fiscal year for compliance with the program of soil-building practices and soil- and water-conserving practices authorized under this head in the Department of Agriculture Appropriation Act, 1954, carried out during the period July 1, 1953, to December 31, 1954, inclusive: *Provided*, That not to exceed \$22,500,000 of the total sum provided under this head shall be available during the current fiscal year for salaries and other administrative expenses for carrying out such program, the cost of aerial photographs, however, not to be charged to such limitation; but not more than \$4,020,000 shall be transferred to the appropriation account, "Administrative expenses, section 392, Agricultural Adjustment Act of 1938": *Provided further*, That payments to claimants hereunder may be made upon the certificate of the claimant, which certificate shall be in such form as the Secretary may prescribe, that he has carried out the conservation practice or practices and has complied with all other requirements as conditions for such payments and that the statements

49 Stat. 1148.

67 Stat. 215.

52 Stat. 69.
7 USC 1392.
Payment to
claimants.

and information contained in the application for payment are correct and true, to the best of his knowledge and belief, under the penalties of title 18, United States Code: *Provided further*, That none of the funds herein appropriated or made available for the functions assigned to the Agricultural Adjustment Agency pursuant to the Executive Order Numbered 9069, of February 23, 1942, shall be used to pay the salaries or expenses of any regional information employees or any State information employees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further*, That such amount shall be available for salaries and other administrative expenses in connection with the formulation and administration of the 1955 program of soil-building practices and soil- and water-conserving practices, under the Act of February 29, 1936, as amended (amounting to \$250,000,000, including administration, but of this amount not more than \$195,000,000 may be used until a final program has been adopted relative to the use of acreage diverted from production, and formulated on the basis of a distribution of the funds available for payments and grants among the several States in accordance with their conservation needs as determined by the Secretary, except that the proportion allocated to any State shall not be reduced more than 15 per centum from the distribution for the next preceding program year, and no participant shall receive more than \$1,500: *Provided*, That the funds available for payments and grants from said sum of \$195,000,000 shall be distributed among the several States in the same proportion as the original allocation of funds for payments and grants for the 1954 agricultural conservation program); but the payments or grants under such programs shall be conditioned upon the utilization of land with respect to which such payments or grants are to be made in conformity with farming practices which will encourage and provide for soil-building and soil- and water-conserving practices in the most practical and effective manner and adapted to conditions in the several States, as determined and approved by the State committees appointed pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590h (b)), for the respective States: *Provided further*, That not to exceed 5 per centum of the allocation for the 1955 agricultural conservation program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and the funds so allotted may be placed in a single account for each State, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties: *Provided further*, That for the 1955 program \$2,500,000 shall be available for technical assistance in formulating and carrying out agricultural conservation practices and \$1,000,000 shall be available for conservation practices related directly to flood prevention work in approved watersheds: *Provided further*, That in carrying out the 1955 program the Secretary shall give particular consideration to the conservation problems on farm lands diverted from crops under acreage-allotment programs: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary under programs provided for herein: *Provided further*, That no part of any funds available to the Depart-

62 Stat. 683.

50 USC app. 601
note.Soil building
practices, etc.49 Stat. 1148.
16 USC 590 g-
590q.Payments and
grants.

49 Stat. 1150.

Purchase of
seeds, etc.

Restriction.

ment, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18, United States Code, section 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

53 Stat. 1147.
5 USC 118K note.

62 Stat. 792.

AGRICULTURAL MARKETING SERVICE

MARKETING RESEARCH AND SERVICE

For expenses necessary to carry on research and service to improve and develop marketing and distribution relating to agriculture as authorized by the Agricultural Marketing Act of 1946 (7 U. S. C. 1621-1627) and other laws, including the administration of marketing regulatory acts connected therewith:

60 Stat. 1087.

Marketing research and agricultural estimates: For research and development relating to agricultural marketing and distribution, for analyses relating to farm prices, income and population, and demand for farm products, and for crop and livestock estimates; \$10,215,000: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intention of farmers as to the acreage to be planted in cotton, or for estimates of apple production for other than the commercial crop.

Restriction.

Marketing services: For services relating to agricultural marketing and distribution, for carrying out regulatory acts connected therewith, and for administration and coordination of payments to States; \$11,575,500, including not to exceed \$25,000 for employment at rates not to exceed \$100 per diem, pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), in carrying out section 201 (a) to 201 (d), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291) and section 203 (j) of the Agricultural Marketing Act of 1946.

58 Stat. 742.

60 Stat. 810.

52 Stat. 36.
60 Stat. 1088.
7 USC 1622.

PAYMENTS TO STATES, TERRITORIES, AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets and similar agencies for marketing activities under section 204 (b) of the Agricultural Marketing Act of 1946 (7 U. S. C. 1623 (b)), \$900,000.

60 Stat. 1089.

REPAYMENT TO COMMODITY CREDIT CORPORATION

For reimbursement to Commodity Credit Corporation for sums transferred to the appropriation "Marketing services", fiscal year 1953 (including interest thereon through June 30, 1954), pursuant to authority contained under the head "Marketing services" in the Department of Agriculture Appropriation Act, 1952 (7 U. S. C. 414a), for grading tobacco and classing cotton without charge to producers, as authorized by law (7 U. S. C. 473a, 511d), \$441,655.

65 Stat. 239.

50 Stat. 62; 49
Stat. 732.

SCHOOL LUNCH PROGRAM

For necessary expenses to carry out the provisions of the National School Lunch Act (42 U. S. C. 1751-1760), \$83,236,197: *Provided*, That no part of this appropriation shall be used for nonfood assistance under section 5 of said Act.

60 Stat. 230.
42 USC 1754.

FOREIGN AGRICULTURAL SERVICE

For necessary expenses for the Foreign Agricultural Service and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, \$965,000.

COMMODITY EXCHANGE AUTHORITY

For necessary expenses to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), \$673,000.

49 Stat. 1491.

COMMODITY STABILIZATION SERVICE

AGRICULTURAL ADJUSTMENT PROGRAMS

For necessary expenses to formulate and carry out acreage allotment and marketing quota programs pursuant to provisions of title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393), \$41,250,000, of which not more than \$5,500,000 shall be transferred to the appropriation account "Administrative expenses, section 392, Agricultural Adjustment Act of 1938": *Provided*, That \$3,500,000 of this appropriation shall be placed in reserve to be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, to the extent necessary for carrying out marketing quotas for the 1955 crop of wheat.

52 Stat. 38.
7 USC 1392.
31 USC 665.

SUGAR ACT PROGRAM

For necessary expenses to carry into effect the provisions of the Sugar Act of 1948 (7 U. S. C. 1101-1160), \$59,600,000, to remain available until June 30 of the next succeeding fiscal year: *Provided*, That expenditures (including transfers) from this appropriation for other than payments to sugar producers shall not exceed \$1,440,000, of which \$77,000 shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use as may become necessary for applying restrictive proportionate shares on the 1955 beet crop.

61 Stat. 922.
31 USC 665.

FEDERAL CROP INSURANCE CORPORATION

For operating and administrative expenses, \$6,000,000.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U. S. C. 901-924), as follows:

49 Stat. 1363.

LOAN AUTHORIZATIONS

For loans in accordance with said Act, and for carrying out the provisions of section 7 thereof, to be borrowed from the Secretary of the Treasury in accordance with the provisions of section 3 (a) of said Act as follows: Rural electrification program, \$135,000,000; and rural telephone program, \$75,000,000; and additional amounts, not to exceed \$35,000,000 for the rural electrification program, may be

7 USC 907, 903.

borrowed under the same terms and conditions to the extent that such additional amounts are required during the fiscal year 1955, under the then existing conditions, for the expeditious and orderly development of the program.

SALARIES AND EXPENSES

For administrative expenses, including not to exceed \$500 for financial and credit reports, and not to exceed \$75,000 for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$7,285,000.

58 Stat. 742.

60 Stat. 810.

FARMERS' HOME ADMINISTRATION

To carry into effect the provisions of titles I, II, and the related provisions of title IV of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1000–1031); the Farmers' Home Administration Act of 1946 (7 U. S. C. 1001, note; 31 U. S. C. 82h; 12 U. S. C. 371; 35 D. C. Code 535; 60 Stat. 1062–1080); the Act of July 30, 1946 (40 U. S. C. 436–439); the Act of August 28, 1937, as amended (16 U. S. C. 590r–590x, 590z–5), for the development of facilities for water storage and utilization in the arid and semiarid areas of the United States; the provisions of title V of the Housing Act of 1949 (42 U. S. C. 1471–1483), as amended by the Housing Act of 1952 (Public Law 531, approved July 14, 1952), relating to financial assistance for farm housing; the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U. S. C. 440–444); the items "Loans to farmers, 1948 flood damage" in the Act of June 25, 1948 (62 Stat. 1038), and "Loans to farmers, property damage" in the Act of May 24, 1949 (63 Stat. 82); the collecting and servicing of credit sales and development accounts in water conservation and utilization projects (53 Stat. 685, 719), as amended and supplemented (16 U. S. C. 590y, z1 and z10); and the Act to direct the Secretary of Agriculture to convey certain mineral interests, approved September 6, 1950 (7 U. S. C. 1033–1039), as follows:

50 Stat. 522.

60 Stat. 711.

50 Stat. 869.

63 Stat. 432.

66 Stat. 604.

64 Stat. 98.

53 Stat. 1418; 54 Stat. 1125.

64 Stat. 769.

LOAN AUTHORIZATIONS

For loans (including payments in lieu of taxes and taxes under section 50 of the Bankhead-Jones Farm Tenant Act, as amended, and advances incident to the acquisition and preservation of security of obligations under the foregoing several authorities): Title I and section 43 of title IV of the Bankhead-Jones Farm Tenant Act, as amended, \$19,000,000, of which not to exceed \$5,000,000 may be distributed to States and Territories without regard to farm population and prevalence of tenancy, in addition to the amount otherwise distributed thereto, for loans in reclamation projects and to entrymen on unpatented public land; title II of the Bankhead-Jones Farm Tenant Act, as amended, \$122,500,000; the Act of August 28, 1937, as amended, \$6,500,000: *Provided*, That not to exceed the foregoing several amounts shall be borrowed in one account from the Secretary of the Treasury in accordance with the provisions set forth under this head in the Department of Agriculture Appropriation Act, 1952.

50 Stat. 531.
7 USC 1024.50 Stat. 522; 530.
7 USC 1001-
1006, 1017.50 Stat. 524.
7 USC 1007-1009.
50 Stat. 869.
16 USC 590r-
590x.

65 Stat. 240.

SALARIES AND EXPENSES

For making, servicing, and collecting loans and insured mortgages, the servicing and collecting of loans made under prior authority, the liquidation of assets transferred to Farmers' Home Administration, and other administrative expenses, \$23,550,000, together with a trans-

60 Stat. 1076.
7 USC 1005b.

fer of not to exceed \$400,000 of the fees and administrative expense charges made available by subsections (d) and (e) of section 12 of the Bankhead-Jones Farm Tenant Act, as amended.

OFFICE OF THE SOLICITOR

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, \$2,030,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the budget for the current fiscal year for such expenses, which several amounts not exceeding a total of \$300,000 shall be transferred to and made a part of this appropriation.

OFFICE OF THE SECRETARY

For expenses of the Office of the Secretary of Agriculture, including the purchase of one passenger motor vehicle for replacement only; expenses of the National Agricultural Advisory Commission; stationery, supplies, materials, and equipment; freight, express, and drayage charges; advertising of bids, communication service, postage, washing towels, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture; \$2,080,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the budget for the current fiscal year for such services and expenses, which several amounts or portions thereof, as may be determined by the Secretary, not exceeding a total of \$84,280, shall be transferred to and made a part of this appropriation.

OFFICE OF INFORMATION

For necessary expenses of the Office of Information for the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, \$1,196,000, together with such amounts from other appropriations or authorizations as are provided in the schedules in the budget for the current fiscal year for such expenses, which several amounts not exceeding a total of \$16,014 shall be transferred to and made a part of this appropriation, of which total appropriation not to exceed \$537,000 may be used for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct (7 U. S. C. 417) and not less than two hundred thirty thousand eight hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by section 73 of the Act of January 12, 1895 (44 U. S. C. 241): *Provided*, That in the preparation of motion pictures or exhibits by the Department, not exceeding a total of \$10,000 may be used for employment pursuant to the second sentence of section 706 (a) of the Organic Act of 1944 (5 U. S. C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided further*, That no part of this appropriation shall be used for the establishment or maintenance of regional or State field offices, or for the compensation of employees in such offices.

34 Stat. 690.
Yearbook of
Agriculture.

28 Stat. 612.
Motion pictures,
etc.

58 Stat. 742.
60 Stat. 810.
Field offices.

LIBRARY

For necessary expenses, including dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members, \$659,950.

TITLE II—CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the fiscal year 1955 for such corporation or agency, except as hereinafter provided:

Federal Crop Insurance Corporation: *Provided*, That the direct costs of loss adjusters for crop inspections and loss adjustments may be considered as nonadministrative or nonoperating expenses.

Commodity Credit Corporation: Nothing in this Act shall be so construed as to prevent the Commodity Credit Corporation from carrying out any activity or any program authorized by law: *Provided*, That not to exceed \$18,000,000 shall be available for administrative expenses of the Corporation: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

Non administrative
expenses.

TITLE III—SPECIAL ACTIVITIES

RESEARCH ON STRATEGIC AND CRITICAL AGRICULTURAL MATERIALS

For expenses necessary to carry out section 7 (b) of the Strategic and Critical Materials Stock Piling Act of July 23, 1946 (50 U. S. C. 98f), \$331,500: *Provided*, That this appropriation shall be subject to applicable provisions contained in the item "Salaries and expenses, Agricultural Research Service".

60 Stat. 600.

TITLE IV—FARM CREDIT ADMINISTRATION

Administrative expenses: For necessary expenses, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), the assessments heretofore and hereafter collected from the Federal land banks and other farm credit agencies, to remain available until expended: *Provided*, That not to exceed \$2,320,000 shall be obligated during the current fiscal year for such expenses.

60 Stat. 810.

Federal Farm Mortgage Corporation: Not to exceed \$650,000 (to be computed on an accrual basis) of the funds of the Corporation shall be available for administrative expenses, including employment on a contract or fee basis of persons, firms, and corporations for the performance of special services, including legal services, and the use of the services and facilities of Federal land banks, National farm loan associations, Federal Reserve banks, and agencies of the Government as authorized by the Act of January 31, 1934 (12 U. S. C. 1020-1020h); and said total sum shall be exclusive of services and facilities

48 Stat. 344.

Dividends.

Bonds.

furnished and examinations made by the Farm Credit Administration central office, interest expense, and expenses in connection with the acquisition, operation, maintenance, improvement, protection, or disposition of real or personal property belonging to the Corporation or in which it has an interest: *Provided*, That promptly after June 30 of each fiscal year all cash funds in excess of the estimated operating requirements for the current fiscal year shall be declared as dividends and paid into the general fund of the Treasury: *Provided further*, That the aggregate amount of bonds the Corporation may issue and have outstanding at any one time shall not exceed \$500,000,000.

Federal intermediate credit banks: Not to exceed \$1,740,000 (to be computed on an accrual basis) of the funds of the banks shall be available for administrative expenses, including the purchase of not to exceed two passenger motor vehicles for replacement only, and services performed for the banks by other Government agencies (except services and facilities furnished and examinations made by the Farm Credit Administration central office, and services performed by any Federal Reserve bank and by the United States Treasury in connection with the financial transactions of the banks); and said total sum shall be exclusive of interest expense, legal and special services performed on a contract or fee basis, and expenses in connection with the acquisition, operation, maintenance, improvement, protection, or disposition of real or personal property belonging to the banks or in which they have an interest.

Production credit corporations: Not to exceed \$1,540,000 (to be computed on an accrual basis) of the funds of the corporation shall be available for administrative expenses, including the purchase of not to exceed five passenger motor vehicles for replacement only, and services performed for the corporations by other Government agencies (except services and facilities furnished and examinations made by the Farm Credit Administration central office); and said total sum shall be exclusive of interest expense, legal and special services performed on a contract or fee basis, and expenses in connection with the acquisition, operation, maintenance, improvement, protection, or disposition of real or personal property belonging to the corporations or in which they have an interest.

TITLE V—GENERAL PROVISIONS

Passenger motor vehicles.

SEC. 501. Within the unit limit of cost fixed by law, the lump-sum appropriations and authorizations made for the Department under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 575 passenger motor vehicles for replacement only, and for the hire of such vehicles, necessary in the conduct of the work of the Department outside the District of Columbia.

Employment of aliens.

SEC. 502. Provisions of law prohibiting or restricting the employment of aliens shall not apply to (1) the temporary employment of translators when competent citizen translators are not available; (2) employment in cases of emergency of persons in the field service of the Department for periods of not more than sixty days; and (3) employment under the appropriation for the Foreign Agricultural Service.

Purchase of lands.

SEC. 503. Of appropriations herein made which are available for the purchase of lands, not to exceed \$1 may be expended for each option to purchase any particular tract or tracts of land.

Cotton price predictions.

SEC. 504. No part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued,

any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same.

SEC. 505. Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

SEC. 506. Not less than \$1,500,000 of the appropriations of the Department for research and service work authorized by the Act of August 14, 1946 (7 U. S. C. 427, 1621-1629) shall be available for contracting in accordance with said Act.

SEC. 507. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation included in this Act, shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That nothing in this section shall be construed to require an affidavit from any person employed for less than sixty days for sudden emergency work involving the loss of human life or destruction of property, the payment of salary or wages may be made to such persons from applicable appropriations for services rendered in such emergency without execution of the affidavit contemplated by this section.

SEC. 508. No part of any appropriation contained in this Act or of the funds available for expenditure by any corporation or agency included in this Act shall be used for publicity or propaganda purposes to support or defeat legislation pending before the Congress.

SEC. 509. Appropriations of the Department available for research and service work authorized by the Act of August 14, 1946 (7 U. S. C. 427; 7 U. S. C. 1621-1629) shall be available for expenses of any advisory committee established as provided in title III of said Act to assist in effectuating the research and service work of the Department.

This Act may be cited as the "Department of Agriculture and Farm Credit Administration Appropriation Act, 1955".

Approved June 29, 1954.

Purchase of
twine.

Contracts.

60 Stat. 1085.

Strikes or over-
throw of Govern-
ment.

Affidavit.

Penalty.

Emergency work.

Publicity or
propaganda.

Research and
service work.

60 Stat. 1082,
1087.

Short title.

Public Law 438

CHAPTER 410

JOINT RESOLUTION

June 29, 1954
[S. J. Res. 167]

To amend the National Housing Act, as amended, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Housing Act, as amended, is hereby amended—

65 Stat. 315; 66
Stat. 602.
12 USC 1716.
65 Stat. 313.
12 USC 1748b(a).

- (1) by striking "July 1" in paragraph (1) (G) of section 301 (a) and inserting "August 1"; and
- (2) by striking "July 1" in section 803 (a) and inserting "July 31".

61 Stat. 206.
15 USC 609.

SEC. 2. (a) Section 10 of the Reconstruction Finance Corporation Act, as amended, is hereby amended by striking therefrom the words "at the expiration of the succession of the Corporation" and inserting in lieu thereof the words "by the close of business on June 30, 1954".

67 Stat. 230.
15 USC 603(a).

(b) Subsection (a) of section 102 of the Reconstruction Finance Corporation Liquidation Act is amended to read as follows:

62 Stat. 262.

"(a) The first sentence of section 3 (a) of the Reconstruction Finance Corporation Act, as amended (15 U. S. C. 603 (a)), is amended to read: 'The Corporation shall have succession until it is dissolved pursuant to the provisions of section 10 of this Act'."

15 USC 609.

(c) Section 105 of the Reconstruction Finance Corporation Liquidation Act is amended by striking the words "termination of succession" wherever they appear therein and inserting in lieu thereof the word "dissolution".

15 USC 603 note.

(d) Subsection (a) of section 106 of the Reconstruction Finance Corporation Liquidation Act is amended to read as follows:

15 USC 603 note.

"(a) Promptly after June 30, 1954, the Administrator of the Reconstruction Finance Corporation shall make a full report to the Congress."

Report.

67 Stat. 125.
42 USC 1591c.

SEC. 3. Section 104 of the Defense Housing and Community Facilities and Services Act of 1951, as amended, is hereby amended by striking out "June 30, 1954" and inserting "July 31, 1954".

SEC. 4. The Servicemen's Readjustment Act of 1944, as amended, is hereby amended—

64 Stat. 76.
38 USC 694l.

- (1) by striking "June 30" in clause (C) of section 512 (b) and inserting "July 31";

65 Stat. 317.
38 USC 694m.

- (2) by striking "June 30" in the first sentence of section 513 (a) and inserting "July 31"; and

66 Stat. 64.

- (3) by striking "June 30" in the first sentence of section 513 (d) and inserting "July 31".

Post, p. 647.

SEC. 5. Title V of the Housing Act of 1949, as amended, is hereby amended as follows:

66 Stat. 604.
42 USC 1481.

(a) In the first sentence of section 511 immediately following the phrase "July 1, 1952," strike the word "and", and insert at the end of the sentence just before the period a comma and the language "and an additional \$8,500,000 on and after July 1, 1954".

66 Stat. 604.
42 USC 1482.

(b) In section 512, (i) strike "and 1953" and insert "1953, and 1954", and (ii) strike "and \$2,000,000" and insert "\$2,000,000, and \$170,000".

66 Stat. 604.
42 USC 1483.

(c) In section 513, strike "and \$10,000,000 on July 1 of each of the years 1950, 1951, 1952, and 1953" and insert "\$10,000,000, and \$850,000 on July 1 of each of the years 1950, 1951, 1952, 1953, and 1954".

Approved June 29, 1954.

Public Law 439

CHAPTER 411

AN ACT

June 29, 1954
[S. 129]

To amend the Act of August 30, 1935 (49 Stat. 1049), authorizing the Chippewa Indians of Wisconsin to submit claims to the Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso in section 3 of the Act of August 30, 1935 (49 Stat. 1049, 1050), entitled "An Act authorizing the Chippewa Indians of Wisconsin to submit claims to the Court of Claims", is hereby amended by deleting "5 per centum" and by inserting in lieu thereof "10 per centum".

Approved June 29, 1954.

Chippewa In-
dians.
Claims.

Public Law 440

CHAPTER 412

AN ACT

June 29, 1954
[S. 2742]

To amend the Act of August 21, 1951, relating to certain payments out of Ute Indian tribal funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first proviso in the first section of the Act entitled "An Act to provide for the use of the tribal funds of the Ute Indian Tribe of the Uintah and Ouray Reservation, to authorize a per capita payment out of such funds, to provide for the division of certain tribal funds with the Southern Utes, and for other purposes", approved August 21, 1951 (65 Stat. 193), is amended by inserting after the word "section" the words "exclusive of per capita payments from interest,".

Approved June 29, 1954.

Ute Indian Tribe.
Per capita pay-
ments.

Public Law 441

CHAPTER 413

AN ACT

June 29, 1954
[S. 2777]

To provide transportation on Canadian vessels between Skagway, Alaska, and other points in Alaska, between Haines, Alaska, and other points in Alaska, and between Hyder, Alaska, and other points in Alaska or the continental United States, either directly or via a foreign port, or for any part of the transportation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until June 30, 1955, notwithstanding the provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port in the United States to another port of the United States, passengers may be transported on Canadian vessels between Skagway, Alaska, and other points in Alaska, between Haines, Alaska, and other points in Alaska, and between Hyder, Alaska, and other points in Alaska or the continental United States, either directly or via a foreign port, or for any part of the transportation: *Provided,* That such Canadian vessels may transport merchandise between Hyder, Alaska, and other ports and points herein enumerated.

Approved June 29, 1954.

Alaska.
Transportation
on Canadian ves-
sels.

Public Law 442

CHAPTER 414

June 29, 1954
[S. 2844]

AN ACT

To amend the Act of December 23, 1944, authorizing certain transactions by disbursing officers of the United States, and for other purposes.

50 U.S.C. app.
1705 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize certain transactions by disbursing officers of the United States, and for other purposes", approved December 23, 1944 (ch. 716, 58 Stat. 921), as amended by the Act of June 16, 1953 (67 Stat. 62), is hereby amended by deleting section 4 thereof.

Approved June 29, 1954.

Public Law 443

CHAPTER 415

June 29, 1954
[S. 3103]

AN ACT

To amend the Act of January 12, 1951, as amended, to continue in effect the provisions of title II of the First War Powers Act, 1941.

War contracts.
50 USC app. 611
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of January 12, 1951 (64 Stat. 1257), as amended, is further amended by striking out "1954" and inserting in lieu thereof "1955".

Approved June 29, 1954.

Public Law 444

CHAPTER 416

June 29, 1954
[S. 3364]

AN ACT

To amend the Act of October 31, 1949 (63 Stat. 1049).

Albuquerque,
N. Mex.
Hospital.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1, of subsection (b), of the Act of October 31, 1949 (63 Stat. 1049), is hereby amended by deleting the figure "1954", wherever the same appears in the third and fourth provisos, and by inserting in lieu thereof the figure "1957"; and by deleting the figure "1953" in the fourth proviso, and by inserting in lieu thereof the figure "1956".

Approved June 29, 1954.

Public Law 445

CHAPTER 417

June 29, 1954
[H. R. 2844]

AN ACT

Providing that the ratification of the Revenue Bond Act of 1935, enacted by the Legislature of the Territory of Hawaii, shall apply to all amendments of said Act made by said legislature to and including the Acts of the 1953 regular session of said legislature.

Hawaii.
Revenue bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 118 of the revised laws of Hawaii, 1945, known as the Revenue Bond Act of 1935, as amended by all acts of the Legislature of the Territory of Hawaii to and including the Acts of the 1953 regular session of said legislature, is hereby ratified and confirmed. It is the intent of this Act that, without the approval of the President of the United States and

without the incurring of an indebtedness within the meaning of the Hawaiian Organic Act, revenue bonds may be issued under and pursuant to the provisions of said Revenue Bond Act of 1935 as heretofore ratified and confirmed, which shall constitute full authority for the issuance of said bonds without reference to and independent of the Hawaiian Organic Act: *Provided, however*, That nothing herein contained shall be deemed to prohibit the further amendment of said Revenue Bond Act of 1935 in conformity with the authority conferred by the Act of July 15, 1935 (49 Stat. 479, 48 U. S. C., 1946 edition, 562a), and the Act of August 3, 1935 (49 Stat. 516, 48 U. S. C., 1946 edition, 562d).

Approved June 29, 1954.

31 Stat. 141.
48 USC 491 note.

Public Law 446

CHAPTER 418

AN ACT

To amend section 89 of the Hawaiian Organic Act, as amended.

June 29, 1954
[H. R. 2848]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 89 of the Hawaiian Organic Act, as amended, be amended to read as follows:

"SEC. 89. WHARVES AND LANDINGS.—The wharves and landings constructed or controlled by the Republic of Hawaii on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of the Territory of Hawaii, which shall receive and enjoy all revenue derived therefrom."

Approved June 29, 1954.

31 Stat. 159.
48 USC 510.

Public Law 447

CHAPTER 419

AN ACT

To amend the Ship Mortgage Act, 1920, as amended.

June 29, 1954
[H. R. 6276]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 30, subsection K, of the Act of June 5, 1920, as amended, known as the Ship Mortgage Act, 1920 (41 Stat. 1003), is hereby amended by adding at the end of subsection K the following provision:

"Foreign ship mortgages: As used in subsections K, L, M, and N of this section, the term 'preferred mortgage' shall include, in addition to a preferred mortgage made pursuant to the provisions of this section, any mortgage, hypothecation, or similar charge created as security upon any documented foreign vessel (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than two hundred gross tons) if such mortgage, hypothecation, or similar charge has been duly and validly executed in accordance with the laws of the foreign nation under the laws of which the vessel is documented and has been duly registered in accordance with such laws in a public register either at the port of registry of the vessel or at a central office; and the term 'preferred mortgage lien' shall also include the lien of such mortgage, hypothecation, or similar charge: *Provided, however*, That such 'preferred mortgage lien' in the case of a foreign vessel shall also be subordinate to maritime liens for repairs, supplies, towage, use of drydock or marine railway, or other necessities, performed or supplied in the United States."

Approved June 29, 1954.

Foreign ship
mortgages.

46 USC 951.

46 USC 951-954.

Public Law 448

CHAPTER 420

June 29, 1954
[H. R. 5840]

AN ACT

To authorize the Hawaiian Homes Commission to exchange certain Hawaiian Homes Commission land and certain easements for certain privately owned land.

Hawaiian Homes
Commission.
Land exchange.
42 Stat. 108; 31
Stat. 141.
48 USC 691, 491
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any limitations imposed by the Hawaiian Homes Commission Act, 1920, as amended, or the Hawaiian Organic Act, as amended, to the contrary notwithstanding, the Hawaiian Homes Commission, subject to the approval of the Secretary of the Interior and the Governor of Hawaii, is hereby authorized and empowered to transfer and convey to Richard Smart, a United States citizen, all or any portion of the following-described tract of "available land" designated herein as "Tract 1", and also such perpetual easements for pipeline purposes along and across the areas described as "Tract 2", as the Commission shall deem advisable, in exchange and return for the conveyance in fee simple to the Commission by said Richard Smart of all or any portion of the tracts of land hereinafter described as "Tracts 3, 4, and 5", the said tracts being described as follows, subject to minor variations:

TRACT 1

Being a portion of the Hawaiian homes land of Puukapu at Waimea, South Kohala, Hawaii:

Beginning at the most northerly corner of this piece of land on the south side of Mamalahoa Highway, the same being also the northwest corner of Grant 4955 to J. T. Baker, the coordinates of said point of beginning referred to Government Survey Triangulation Station "West Base" being 1003.50 feet south and 350.76 feet west, thence running by azimuths measured clockwise from true south:

1. 336° 52' 1173.10 feet along Grant 4955 to J. T. Baker;
2. 254° 51' 590.26 feet along same;
3. 329° 08' 2488.30 feet along fence, along the remainder of the land of Puukapu, to corner of fence;
4. 329° 08' 750.00 feet along the remainder of the land of Puukapu;
5. 254° 45' 1127.17 feet along the remainder of the land of Puukapu to fence;
6. 329° 08' 1089.30 feet along fence, along the remainder of the land of Puukapu;
7. 352° 29' 15'' 6140.05 feet along the remainder of the land of Puukapu to a 2 inch pipe in concrete monument at an angle in the boundary between the lands of Puukapu and Waikoloa;
8. 95° 07' 1325.30 feet along the land of Waikoloa;
9. 107° 28' 30'' 2966.90 feet along the land of Waikoloa to a 1 inch pipe in concrete monument;
10. 115° 17' 30'' 2360.60 feet along the land of Waikoloa to the southeast boundary of the new Kamuela Airport;
11. 232° 00' 2802.55 feet along the southeast boundary of the new Kamuela Airport;
12. 142° 00' 600.00 feet along the northeast boundary of the new Kamuela Airport;
13. 52° 00' 3104.43 feet along the northwest boundary of the new Kamuela Airport to the boundary between the lands of Puukapu and Waikoloa;
14. 115° 17' 30'' 175.94 feet along the land of Waikoloa to an old + on rock;
15. 153° 06' 977.13 feet along the land of Waikoloa to a concrete monument;

16. 155° 02' 1150.60 feet along the land of Waikoloa to an old + on rock;
17. 210° 53' 1218.50 feet along the land of Waikoloa to a concrete monument marked +;
18. 209° 10' 530.30 feet along the land of Waikoloa to a concrete monument marked +;
19. 199° 27' 30'' 272.60 feet along the land of Waikoloa to a concrete monument marked +;
20. 240° 10' 179.50 feet along the land of Waikoloa to an old + on rock;
21. 164° 42' 353.24 feet along the land of Waikoloa to a concrete monument marked +;
22. 252° 16' 30'' 305.90 feet along the land of Waikoloa to a pipe in concrete;
23. 240° 51' 197.90 feet along the land of Waikoloa to a concrete monument marked +;
24. 213° 27' 307.90 feet along the land of Waikoloa to a concrete monument marked +;
25. 186° 14' 751.75 feet along the land of Waikoloa to a concrete monument marked +;
26. 229° 32' 159.90 feet along the land of Waikoloa to a concrete monument marked +;
27. 245° 29' 403.60 feet along the land of Waikoloa to a concrete monument marked +;
28. 188° 01' 30'' 209.05 feet along the land of Waikoloa to a concrete monument marked +;
29. 182° 14' 452.10 feet along the land of Waikoloa to a concrete monument marked +;
30. 205° 48' 530.42 feet along the land of Waikoloa to a concrete monument marked +;
31. 205° 59' 30'' 414.10 feet along the middle of old stonewall, along the land of Waikoloa to a concrete monument marked +;
32. 238° 57' 30'' 105.58 feet along the southeast side of old stonewall, along the remainder of the land of Waikoloa to a concrete post marked +;
33. 239° 43' 30'' 259.40 feet along the southeast side of old stonewall, along the remainder of the land of Waikoloa to a pipe on the northeast side of stonewall, and passing over a pipe in concrete in stonewall at 257.40 feet;
34. 156° 48' 461.45 feet along northeast side of old stonewall, along the remainder of the land of Waikoloa to a concrete monument marked +;
35. 187° 29' 285.30 feet along the land of Waikoloa to a concrete monument marked +;
36. 129° 08' 106.77 feet along the land of Waikoloa to the south side of the Mamalahoa Highway;
37. 262° 19' 49.92 feet along the south side of Mamalahoa Highway to the point of beginning and containing a gross area of 1030.82 acres and a net area of 994.25 acres after excepting and reserving therefrom all Grants and Land Commission Awards and portions of same containing an area of 36.57 acres.

TRACT 2

EASEMENTS

Parcel "P". Perpetual pipeline easement through the Hawaiian homes land of Pauahi at Waimea, South Kohala, Hawaii. Said pipeline easement being (3.00 feet wide) and extending for (1.50 feet) on

either side of the center line of pipeline as constructed and more particularly described as follows, subject to minor variations:

Beginning on the center line at the northeast end of this easement (3.00 feet wide) in the middle of the Manaewa Gulch which is also the boundary between the lands of Momoualoe and Pauahi, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU KAWAIWAI 1948", being 1551.69 feet north and 6153.45 feet east, thence running along the center line by azimuths measured clockwise from true south:

1. 54° 00' 59.00 feet;
2. 58° 07' 158.90 feet;
3. 59° 40' 180.35 feet;
4. 59° 10' 30'' 342.50 feet;
5. 56° 18' 25.80 feet;
6. 59° 38' 341.10 feet;
7. 59° 26' 30'' 364.50 feet;
8. 81° 57' 25.00 feet;
9. 92° 52' 81.50 feet;

10. 94° 10' 30'' 113.00 feet, to the middle of the Umipoho Gulch which is also the boundary between the lands of Pauahi and Kapia, containing an area of 5075 square feet.

Parcel "T". Perpetual pipeline easement through the Hawaiian homes land of Puukapu at Waimea, South Kohala, Hawaii. Said pipeline easement being (3.00 feet wide) and extending for (1.50 feet) on either side of the center line of pipeline as constructed and more particularly described as follows, subject to minor variations:

Beginning on the center line at the southwest end of this easement (3.00 feet wide) and on the boundary between the lands of Waikoloa and Puukapu, the true azimuth and distance from a 3'' pipe marking a boundary corner of the lands of Waikoloa and Puukapu, being 97° 39' 43'' 590.50 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "West Base", being 13441.60 feet south and 16040.80 feet east, thence running along the center line as follows on the following approximate azimuths and distances:

1. 224° 00' 1450 feet through the land of Puukapu;
2. 236° 00' 5650 feet through the land of Puukapu to the west boundary of R. P. 4945, L. C. Aw. 4348-B to Harry Purdy, containing an area of 0.49 acre.

Parcel "U". Perpetual pipeline easement through the Hawaiian homes land of Kamoku at Hamakua, Hawaii. Said pipeline easement being (3.00 feet wide) and extending for (1.50 feet) on either side of the center line of pipeline as constructed and more particularly described as follows, subject to minor variations:

Beginning on the center line at the southwest end of this easement (3.00 feet wide) and on the boundary between the land of Kamoku and Grant 632 to G. S. Kenway, the approximate coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU IO", being 14700 feet north and 1090 feet west, thence running along the center line as follows on the approximate azimuth and distance:

1. 235° 30' 6000 feet through the Hawaiian homes land of Kamoku to the boundary between the lands of Kamoku and Kapoaula, containing an area of 0.41 acre.

Parcel "W". Perpetual pipeline easement through the Hawaiian homes land of Nienie at Hamakua, Hawaii. Said pipeline easement being (3.00 feet wide) and extending for (1.50 feet) on either side of the center line of pipeline as constructed and more particularly described as follows, subject to minor variations:

Beginning on the center line at the south end of this easement (3.00 feet wide) and on the boundary between the lands of lower Paauhau and Nienie, the true azimuth and approximate distance from Government Survey Triangulation Station "PUU NOHU", $252^{\circ} 00' 59.50$ feet more or less, thence running along the center line as follows on the approximate azimuth and distance:

1. $187^{\circ} 30' 900$ feet through the land of Nienie to the middle of the Kahaupu Gulch, containing an area of 0.06 acre.

TRACT 3

WAIKOLOA—WAIALEALE LANDS

Being all of the Mauka or Upper parts of Waikoloa 1st, and Waialeale 2nd. (Grant 868 to J. P. Parker, Jr., and Ebenezer Parker, by name only, and covered by Boundary Certificate No. 20.) A portion of Waikoloa 2nd. (L. C. Aw. 9971, Apana 4 to W. P. Leleiohoku.) A portion of the Makai or Lower part of Waikoloa 1st. (Grant 791 to J. P. Parker and Ebenezer Parker.) A portion of the Makai or Lower part of Waialeale 2nd. (Grant 868 to J. P. Parker and Ebenezer Parker, by survey) and a portion of Waialeale 1st. (L. C. Aw. 9971, Apana 8 to W. P. Leleiohoku.) Situate at Hamakua, Hawaii:

Beginning at a concrete post marked + near the Southwest corner of this piece of land, the true azimuth and distance to "CAMP" Triangulation Station (marked by a Δ on concrete post on top of prominent knoll, about 1000 feet North of the Government Road and about 1100 feet West of the Waikoloa Gulch) being $262^{\circ} 32' 10''$ 1145.00 feet, and from said "CAMP" Triangulation Station, the true azimuth and distance to "KAPOAULA" Triangulation Station being $279^{\circ} 57' 36''$ 4331.35 feet, and the coordinates of said "KAPOAULA" Triangulation Station referred to "EAST BASE" Triangulation Station are 9255.34 feet North and 26338.97 feet East, thence running by azimuths measured clockwise from True South from the above described point of beginning:

1. $179^{\circ} 50' 20''$ 1317.47 feet along the Land of Kamoku to a concrete post marked +;
2. $192^{\circ} 22'$ 561.40 feet along same to a concrete post marked +;
3. $183^{\circ} 03' 40''$ 3437.10 feet along same, and cutting through old reservoir to a concrete post marked +;
4. $190^{\circ} 23' 30''$ 1192.25 feet along same to a concrete post marked +;
5. $219^{\circ} 13' 30''$ 953.95 feet along same to a concrete post marked +;
6. $212^{\circ} 56'$ 461.00 feet along same to an old + on rock and ahu at a place called Pulupakea near the East edge of small gulch, and passing over a concrete post marked + at 457.80 feet;
7. $209^{\circ} 15' 30''$ 1352.40 feet along same to a concrete post marked +;
8. $216^{\circ} 33' 30''$ 1826.64 feet along same to a point on line with the Hamakua Forest Reserve boundary;
9. $216^{\circ} 33' 30''$ 200.15 feet along the Land of Puanui to a concrete post marked +;
10. $206^{\circ} 12'$ 1753.00 feet along same to a concrete post marked +;
11. $86^{\circ} 23'$ 464.00 feet along same to a large rock in gulch marked XII, also a concrete post by said rock;
12. Thence, down along the middle of small gulch in all its turns and windings, along the Land of Puanui and Grant 1767 to Kahoomai to concrete post marked + on the East edge of gulch, the direct azimuth and distance being $190^{\circ} 43' 30''$ 3190.00 feet;
13. $214^{\circ} 16'$ 420.00 feet along Grant 1767 to Kahoomai to a concrete post marked +;

14. $182^{\circ} 22' 30''$ 365.00 feet along Grant 1765 to J. Paele to a concrete post marked +;

15. $270^{\circ} 31'$ 2356.00 feet across the Lands of Waikoloa 2nd. and 1st. and Waialeale 2nd. and 1st. to a concrete monument;

16. $16^{\circ} 18'$ 2900.00 feet along Grant 2124 to Haalou, Kaimiaina and Kaukini to a + on rock in Kapulena Gulch at head of waterfall in same;

17. Thence following up along the middle of the Kapulena Gulch in all its turns and windings, along the Land of Kapulena, the direct azimuth and distance being $12^{\circ} 19' 40''$ 3452.13 feet to a point in middle of said gulch where it intersects the boundary of the Hamakua Forest Reserve;

18. Still following up along the middle of the Kapulena Gulch in all its turns and windings, along the Land of Kapulena, the direct azimuth and distance being $00^{\circ} 39' 55''$ 2167.62 feet;

19. $17^{\circ} 28' 45''$ 50.00 feet leaving the Kapulena Gulch and along the Land of Kapulena to a pipe in concrete monument on the South-west bank of said gulch;

20. $17^{\circ} 28' 45''$ 727.50 feet along the Land of Kapulena to a concrete post marked + on pali, on the West side of Gulch;

21. $330^{\circ} 40' 45''$ 461.90 feet along same to a concrete post marked + in Gulch;

22. $17^{\circ} 10' 20''$ 3585.44 feet along same to a concrete monument marked +;

23. $18^{\circ} 23' 15''$ 2196.85 feet along same to a concrete monument marked +;

24. $23^{\circ} 31' 30''$ 494.67 feet along same to a concrete monument marked +;

25. $37^{\circ} 47'$ 1794.65 feet along same, and crossing Government Road to concrete monument marked + over original + on large rock on the West edge of Waikoloa Gulch;

26. $98^{\circ} 03' 45''$ 2048.10 feet along the Land of Kamoku and recrossing Government Road to a concrete monument marked + on the side of small rise;

27. $173^{\circ} 32' 45''$ 794.80 feet along the Land of Kamoku to the point of beginning and containing an area of 1216 acres.

TRACT 4

A. R.P. 6848, L. C. Aw. 4183-B, to Kanaue, containing an area of three acres;

B. L.C. Aw. 3842, Ap. 1 and 2, to Kaulunui, containing an area of 3.24 acres;

C. R.P. 6836, L. C. Aw. 4227, AP. 1, to Kaulunui, containing an area of three acres;

D. R.P. 6834, L. C. Aw. 3685, AP. 1 and 2, to Mahoe, containing an area of 3.248 acres;

E. R.P. 7334, L. C. Aw. 4130, AP. 1 and 2, to Kanakaole, containing an area of 3.245 acres;

F. R.P. 7684, L. C. Aw. 4132, AP. 1 and 2, to Kaina ia Kanekuapuu, containing an area of 3.248 acres;

G. R.P. 8445, L. C. Aw. 4218, AP. 1 and 2, to Kaohimaunu, containing an area of 3.245 acres;

H. L.C. Aw. 3686, AP. 1, to Muluhi, containing an area of three acres;

I. R.P. 6271, L. C. Aw. 4183, AP. 1, to Kaluahinenui and Kanaue, containing an area of three acres;

J. R.P. 7675, L. C. Aw. 4210, AP. 1 and 2, to Kalua, containing an area of 3.248 acres;

K. L.C. Aw. 4212, AP. 2, to James Hanehane, containing an area of 0.248 acre.

TRACT 5

R. P. 6835, L. C. Aw. 4210-B, to Wawaeluhi ia Mokuhia, containing an area of three acres.

SEC. 2. The said "Tracts 3, 4, and 5", upon the conveyance thereof to the Commission, shall be and become "available land" within the meaning of said Hawaiian Homes Commission Act of 1920, and any amendments thereto.

48 USC 691.

SEC. 3. The exchange which is provided for in this Act shall not be effected by the Hawaiian Homes Commission unless and until the values of the lands involved in the proposed exchange are first determined by appraisals to be made by three competent appraisers to be appointed by the governor of the Territory of Hawaii showing that the lands belonging to Richard Smart are of equal or greater value than the Hawaiian Homes Commission lands above mentioned.

Appraisals.

SEC. 4. This Act shall take effect upon its approval.

Effective date.

Approved June 29, 1954.

Public Law 449

CHAPTER 421

AN ACT

To authorize payment of salaries and expenses of officials of the Fort Peck Tribes.

June 29, 1954
[H. R. 6154]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, or such official as may be designated by him, is hereby authorized, until otherwise directed by Congress, to advance to the tribes or to pay out of any unobligated tribal funds of the Fort Peck Indians in the Treasury of the United States salaries and expenses of tribal officials or representatives at rates and/or limitations designated in advance by the Fort Peck Tribal Executive Board, and approved by the Secretary of the Interior and to advance to the tribes or to expend tribal funds for such other purposes as may be designated by the Fort Peck Tribal Executive Board and approved by the Secretary of the Interior: *Provided*, That the length of stay of representatives serving the tribes at the seat of government shall be determined by the Secretary of the Interior.

Fort Peck Indians.
Certain salaries and expenses.

SEC. 2. The Act of April 28, 1948 (62 Stat. 203), is hereby repealed.

Repeal.

Approved June 29, 1954.

Public Law 450

CHAPTER 422

AN ACT

To amend section 14 (b) of the Federal Reserve Act, as amended.

June 29, 1954
[H. R. 8729]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 (b) of the Federal Reserve Act, as amended (U. S. C., 1952 edition, title 12, sec. 355), is amended by striking out "July 1, 1954" and inserting in lieu thereof "July 1, 1956" and by striking out "June 30, 1954" and inserting in lieu thereof "June 30, 1956".

38 Stat. 264; 66 Stat. 154.

Approved June 29, 1954.

Public Law 451

CHAPTER 423

June 30, 1954
[S. 3318]

AN ACT

To provide for a continuance of civil government for the Trust Territory of the Pacific Islands.

61 Stat. 397.
48 USC 1435
note.

Whereas, pursuant to the authority of Public Law 204, Eightieth Congress, approved July 18, 1947, the President approved a trusteeship agreement for the Trust Territory of the Pacific Islands between the United States Government and the Security Council of the United Nations; and

C F R, 1947
Supp., p. 160.

Whereas responsibility for civil administration of the Trust Territory was vested in the Secretary of the Navy by Executive Order Numbered 9875 of July 18, 1947; and

48 USC note
prec. 1451; 3 CFR
1952 Supp., p. 110;
1953 Supp., p. 87.

Whereas responsibility for such administration was transferred to the Secretary of the Interior, effective July 1, 1951, by Executive Order Numbered 10265 of June 29, 1951, as amended by Executive Order Numbered 10408 of November 10, 1952, and Executive Order Numbered 10470 of July 17, 1953: Therefore

Trust Territory
of the Pacific
Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize.

Appropriation.

SEC. 2. There are hereby authorized to be appropriated such sums, not in excess of \$7,500,000 per year, as may be necessary to carry out the provisions of this Act.

Approved June 30, 1954.

Public Law 452

CHAPTER 424

June 30, 1954
[H. R. 7709]

AN ACT

To continue until the close of June 30, 1955, the suspension of certain import taxes on copper.

67 Stat. 4.
26 USC 3425
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to suspend certain import taxes on copper", approved May 22, 1951 (Public Law 38, Eighty-second Congress), as amended, is hereby further amended by striking out "June 30, 1954" and inserting in lieu thereof "June 30, 1955".

Approved June 30, 1954.

Public Law 453

CHAPTER 425

June 30, 1954
[H. R. 8367]

AN ACT

Making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes.

Civil Functions
Appropriation Act,
1955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1955, for civil functions administered by the Department of the Army and for other purposes, namely:

CIVIL FUNCTIONS, DEPARTMENT OF THE ARMY

CEMETERIAL EXPENSES

For necessary cemeterial expenses as authorized by law, including maintenance, operation and improvement of national cemeteries, and purchase of headstones and markers for unmarked graves; purchase of two passenger motor vehicles for replacement only; maintenance of that portion of Congressional Cemetery to which the United States has title, Confederate burial places under the jurisdiction of the Department of the Army, The Surrender Tree Site in Cuba, and graves used by the Army in commercial cemeteries; \$5,489,200: *Provided*, That this appropriation shall not be used to repair more than a single approach road to any national cemetery: *Provided further*, That this appropriation shall not be obligated for construction of a superintendent's lodge or family quarters at a cost per unit in excess of \$14,000, but such limitation may be increased by such additional amounts as may be required to provide office space, public comfort rooms, or space for the storage of Government property within the same structure.

RIVERS AND HARBORS AND FLOOD CONTROL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, and when authorized by law, preliminary examinations, surveys and studies (including cooperative beach erosion studies as authorized in Public Law Numbered 520, Seventy-first Congress, approved July 3, 1930, as amended and supplemented), of projects prior to authorization for construction, to remain available until expended, \$2,907,500.

46 Stat. 918.
33 USC 426, 465,
569a, 584a, 607a;
48 USC 1399.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; detailed studies, and plans and specifications, of projects authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction); and not to exceed \$1,000,000 for transfer to the Secretary of the Interior for conservation of fish and wildlife as authorized by law; to remain available until expended, \$300,367,600: *Provided*, That no part of this appropriation shall be used for projects in the Columbia River Basin which are authorized by a law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That not to exceed \$750,000 of the funds appropriated herein may at the discretion and under the direction of the Chief of Engineers be used in payment to the accounts of the Confederated Tribes of the Yakima Reservation; the Confederated Tribes of the Warm Springs Reservation; the Confederated Tribes of the Umatilla Reservation; or other recognized Indian tribes, and those individual Indians not enrolled in any recognized tribe, but

Columbia River
Basin.

Dalles Dam, Co-
lumbia River.
Payment to In-
dians.

who through domicile at or in the immediate vicinity of the reservoir and through custom and usage are found to have an equitable interest in the fishery, all of whose fishing rights and interests will be impaired by the Government incident to the construction, operation, or maintenance of the Dalles Dam, Columbia River, Washington and Oregon, and must be subordinated thereto by agreement or litigation.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality, or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; removal of obstructions to navigation; rescue work, and repair, restoration, or maintenance of flood control projects threatened or destroyed by flood; and not to exceed \$970,000 for transfer to the Secretary of the Interior for conservation of fish and wildlife as authorized by law; to remain available until expended, \$76,110,000.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Beach Erosion Board, and the California Debris Commission; administration of laws pertaining to preservation of navigable waters; commercial statistics; and miscellaneous investigations; \$9,544,000.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U. S. C. 702a, 702g-1), to remain available until expended, \$45,450,000.

45 Stat. 534; 49 Stat. 1511.

NIAGARA REMEDIAL WORKS

For financing a part of the United States share of the cost of remedial works in the Niagara River, to be undertaken in accordance with article II of the treaty between the United States of America and Canada, ratified by the United States Senate on August 9, 1950, to remain available until expended, \$2,000,000.

1 UST 696.

ADMINISTRATIVE PROVISIONS

The foregoing appropriations shall be available for expenses of attendance at meetings of organizations concerned with the work for which the appropriation is made and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed two hundred and fifty for replacement only) and hire of passenger motor vehicles.

UNITED STATES SOLDIERS' HOME

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home permanent fund, \$5,134,000, of which \$1,284,000 shall remain available until expended for plans and construction of buildings and facilities: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army, upon the recommendation of the Board of Commissioners of the Home and the Surgeon General of the Army.

CANAL ZONE GOVERNMENT

Operating expenses: For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; hire of passenger motor vehicles; expenses incident to conducting hearings on the Isthmus; expenses of attendance at meetings, when authorized by the Governor of the Canal Zone, of organizations concerned with activities pertaining to the Canal Zone Government; expenses of special training of employees of the Canal Zone Government as authorized by law (63 Stat. 602); contingencies of the Governor; residence for the Governor; medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable; and payments of not to exceed \$50 in any one case to persons within the Government service who shall furnish blood for transfusions; \$13,788,000.

Capital outlay: For acquisition of land and land under water and acquisition, construction, and replacement of improvements, facilities, structures, and equipment, as authorized by law (63 Stat. 600 and 48 U. S. C. 1302), including the purchase of not to exceed six passenger motor vehicles (for replacement only); and expenses incident to the retirement of such assets; \$1,415,000, to remain available until expended: *Provided*, That the unexpended balance of prior year appropriations to the Canal Zone Government for the purposes set forth in this appropriation shall be merged with this appropriation.

48 Stat. 1122.

PANAMA CANAL COMPANY

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to it and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the programs set forth in the Budget for the fiscal year 1955 for such corporation, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

Not to exceed \$3,589,000 of the funds available to the Panama Canal Company shall be available during the current fiscal year for general and administrative expenses of the Company, which shall be computed on an accrual basis: *Provided*, That as used herein, the term "general and administrative expenses" shall not be construed to include expenses otherwise classified in the preceding fiscal year: *Provided further*, That funds available for operating expenses shall be available for the purchase of not to exceed eight passenger motor vehicles (for replacement only, including one at not to exceed \$2,750).

GENERAL PROVISIONS

SEC. 102. No part of any appropriation contained in this Act, or of the funds made available for expenditure by any corporation

Strikes or overthrow of Government.

Affidavit.

Penalty.

Canal Zone.
Employment re-
quirements.48 USC 1307
note.

included in this Act, shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

SEC. 103. No part of any appropriation contained in this Act shall be used directly or indirectly, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409) limiting employment in the above-mentioned positions to citizens of the United States from and after the date of approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week, (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States

Government: *Provided further*, That the President may suspend from time to time in whole or in part compliance with this section if he should deem such course to be in the public interest.

Suspension of compliance.

SEC. 104. The Governor of the Canal Zone is authorized to employ services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), in an amount not exceeding \$15,000: *Provided*, That the rates for individuals shall not exceed \$100 per diem.

60 Stat. 810.

SEC. 105. Hereafter appropriations of the Department of Defense available for medical care shall be available for the reimbursement of the Canal Zone Government for the cost of providing medical care for dependents of military personnel (to the extent that such care heretofore has been provided) in facilities operated by the Canal Zone Government.

Certain medical care. Reimbursement.

The Department of the Navy is authorized and directed to transfer to the Canal Zone Government, without exchange of funds, all of the land, facilities, buildings, structures, equipment, furniture, and improvements of or pertaining to the Naval Hospital, Coco Solo, Canal Zone: *Provided*, That the amount representing the fair value to the Canal Zone Government of the transferred property shall, when approved by the Director, Bureau of the Budget, be added to the investment of the United States in the Canal Zone Government.

Naval Hospital. Property transfer.

SEC. 106. No appropriation or fund available to the Department of Defense shall be used after September 1, 1954, for the maintenance and operation of hospitals in the Canal Zone.

Restriction.

SEC. 107. Section 105, Public Law 153, Eighty-third Congress, is hereby amended to read as follows:

67 Stat. 202.

"SEC. 105. Amounts expended by the Panama Canal Company in maintaining defense facilities in standby condition for the Department of Defense hereafter shall, notwithstanding any other provisions of law, be fully reimbursable to the Panama Canal Company by the Department of Defense. Amounts expended by the Canal Zone Government for furnishing education, and hospital and medical care to employees of agencies of the United States and their dependents, other than the Panama Canal Company and Canal Zone Government, less amounts payable by such employees and their dependents hereafter shall, notwithstanding any other provision of law, be fully reimbursable to the Canal Zone Government by such agencies. The appropriation or fund of any such other agency bearing the cost of the compensation of the employee concerned is hereby made available for such reimbursements."

Reimbursements.

SEC. 108. This Act may be cited as the Civil Functions Appropriation Act, 1955.

Short title.

Approved June 30, 1954.

Public Law 454

CHAPTER 426

AN ACT

To amend the Federal Credit Union Act.

June 30, 1954
[S. 1665]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 11 of the Federal Credit Union Act (12 U. S. C., sec. 1761) is hereby amended by striking out "and," after the last semicolon and by inserting before the period at the end of the paragraph the following: "and, subject to such regulations as may be issued by the Director, authorize an interest refund to members of record at the close of business on December 31 in proportion to the interest paid by them during that year".

Federal Credit Unions.
48 Stat. 1219.

Interest refunds.

SEC. 2. Section 16 of the Federal Credit Union Act (12 U. S. C., sec. 1766) is hereby amended by adding at the end thereof the following new subsection:

Oaths, etc.

“(f) Any officer or employee of the Bureau of Federal Credit Unions is authorized, when designated for the purpose by the Director of the Bureau of Federal Credit Unions, to administer oaths and affirmations and to take affidavits and depositions touching upon any matter within the jurisdiction of the Bureau of Federal Credit Unions.”

Approved June 30, 1954.

Public Law 455

CHAPTER 427

June 30, 1954
[S. 2845]

AN ACT

To amend section 3528 of the Revised Statutes, as amended, relating to the purchase of metal for minor coins of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3528 of the Revised Statutes, as amended (U. S. C., title 31, sec. 340), is hereby further amended by striking out “\$1,000,000” and inserting in lieu thereof “\$2,000,000”.

Approved June 30, 1954.

Public Law 456

CHAPTER 428

June 30, 1954
[H. R. 4030]

AN ACT

To repeal section 4 of the Act of March 2, 1934, creating the Model Housing Board of Puerto Rico.

Puerto Rico.
Model Housing
Board.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of March 2, 1934 (48 Stat. 361; 48 U. S. C. 793a), is hereby repealed.

SEC. 2. Any moneys remaining in the revolving fund established by subsection (d) of section 4 of said Act of March 2, 1934, shall be covered into the treasury of the Commonwealth of Puerto Rico.

Approved June 30, 1954.

Public Law 457

CHAPTER 431

June 30, 1954
[H. R. 9505]

AN ACT

To continue the effectiveness of the Act of December 2, 1942, as amended, and the Act of July 28, 1945, as amended, relating to war-risk hazard and detention benefits until July 1, 1955.

67 Stat. 134.
42 USC 1711.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Act of December 2, 1942 (ch. 668, 56 Stat. 1033), as amended, is amended by deleting the words “July 1, 1954” and inserting in lieu thereof “July 1, 1955”.

67 Stat. 135.
5 USC 801.

SEC. 2. Section 5 (b) of the Act of July 28, 1945 (ch. 328, 59 Stat. 505), as amended, is amended by deleting the words “July 1, 1954” and inserting in lieu thereof “July 1, 1955”.

Approved June 30, 1954.

Public Law 458

CHAPTER 432

AN ACT

June 30, 1954
[H. R. 8873]

Making appropriations for the Department of Defense and related independent agency for the fiscal year ending June 30, 1955, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1955, for military functions administered by the Department of Defense, and for other purposes, namely:

Department of
Defense Appropri-
ation Act, 1955.

TITLE I

NATIONAL SECURITY TRAINING COMMISSION

Salaries and expenses: For necessary expenses of the National Security Training Commission, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not in excess of \$50 per diem and contracts with temporary or part-time employees may be renewed annually; and expenses of attendance at meetings concerned with the purposes of this appropriation; \$55,000.

60 Stat. 810.

DEPARTMENT OF DEFENSE

TITLE II

OFFICE OF THE SECRETARY OF DEFENSE

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary of Defense, including hire of passenger motor vehicles; and not to exceed \$60,000 for emergency and extraordinary expenses, to be expended under the direction of the Secretary of Defense for such purposes as he deems proper, and his determination thereon shall be final and conclusive; \$12,250,000.

OFFICE OF PUBLIC INFORMATION

For salaries and expenses necessary for the Office of Public Information, \$500,000.

TITLE III

INTERSERVICE ACTIVITIES

CLAIMS

For payment of claims by the Office of the Secretary of Defense, the Army (except as provided in appropriations for civil functions administered by the Department of the Army), Navy, Marine Corps, and Air Force, as authorized by law; claims (not to exceed \$1,000 in any one case) for damages to or loss of private property incident to the operation of Army and Air National Guard camps of instruction, either during the stay of units of said organizations at such camps or while en route thereto or therefrom; claims, as authorized by law, for damage to property of railroads under training contracts; and repayment of amounts determined by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or officers designated by them, to have been erroneously collected from military

and civilian personnel of the Departments of the Army, Navy, and Air Force or from States, Territories, or the District of Columbia, or members of National Guard units thereof; \$7,680,000.

CONSTRUCTION OF SHIPS, MILITARY SEA TRANSPORTATION SERVICE

For expenses necessary for the construction, acquisition, or conversion of vessels, including armament therefor, for the Military Sea Transportation Service; designs for such vessels to be constructed or converted in the future; and plant equipment, appliances, and machine tools, and installation thereof in public or private plants; \$50,000,000, to remain available until expended and to be allocated to the Secretary of the Navy.

CONTINGENCIES

Report to Congressional Committees.

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes, \$40,000,000: *Provided*, That a report of disbursements under this item of appropriation shall be made quarterly to the Appropriations Committees of the Congress.

EMERGENCY FUND

For transfer by the Secretary of Defense, with the approval of the Bureau of the Budget, to any appropriation for military functions under the Department of Defense available for research and development, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred, \$25,000,000.

RESERVE TOOLS AND FACILITIES

Amounts, not exceeding \$100,000,000, made available under this head for the fiscal year 1954 but not transferred to other appropriations during that year shall remain available for such transfer during the current fiscal year.

RETIRED PAY

67 Stat. 501.
37 USC 371 note.

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the reserve components thereof; retainer pay for personnel of the inactive Fleet Reserve, and payments under the Uniformed Services Contingency Option Act of 1953; \$404,500,000.

COURT OF MILITARY APPEALS

For salaries and expenses necessary for the Court of Military Appeals, \$320,000.

TITLE IV

DEPARTMENT OF THE ARMY

MILITARY PERSONNEL

For pay, allowances, individual clothing, interest on deposits, and permanent change of station travel, for members of the Army on active duty (except those undergoing reserve training); expenses incident to movement of troop detachments, including rental of camp sites and procurement of utility and other services; expenses of appre-

hension and delivery of deserters, prisoners, and soldiers absent without leave, including payment of rewards (not to exceed \$25 in any one case), and costs of confinement of military prisoners in nonmilitary facilities; donations of not to exceed \$25 to each prisoner upon each release from confinement in an Army prison (other than a disciplinary barracks) and to each person discharged for fraudulent enlistment; authorized issues of articles to prisoners, other than those in disciplinary barracks; subsistence of enlisted personnel, selective service registrants called for induction and applicants for enlistment while held under observation, and prisoners (except those at disciplinary barracks), or reimbursement therefor while such personnel are sick in hospitals; and subsistence of supernumeraries necessitated by emergent military circumstances; \$4,150,479,000: *Provided*, That section 212 of the Act of June 30, 1932 (5 U. S. C. 59a), shall not apply to retired military personnel on duty at the United States Soldiers' Home: *Provided further*, That the duties of the librarian at the United States Military Academy may be performed by a retired officer detailed on active duty.

47 Stat. 406.

MAINTENANCE AND OPERATIONS

For expenses, not otherwise provided for, necessary for the maintenance and operation of the Army, including administration and rentals at the seat of government; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel on duty or leave, except elective private treatment), and other measures necessary to protect the health of the Army; disposition of remains, including those of all Army personnel who die while on active duty; chaplains' activities; awards and medals; welfare and recreation; information and educational services for the Armed Forces; recruiting expenses; subsistence of prisoners at disciplinary barracks, and of civilian employees as authorized by law; expenses of apprehension and delivery of prisoners escaped from disciplinary barracks, including payment of rewards not exceeding \$25 in any one case, and expenses of confinement of such prisoners in nonmilitary facilities; donations of not to exceed \$25 to each prisoner upon each release from confinement in a disciplinary barracks; military courts, boards, and commissions; authorized issues of articles for use of applicants for enlistment and persons in military custody; civilian clothing, not to exceed \$30 in cost, to be issued each person upon each release from confinement in an Army prison and to each soldier discharged otherwise than honorably, or sentenced by a civil court to confinement in a civil prison, or interned or discharged as an alien enemy; transportation services; communications services, including construction of communication systems; maps and similar data for military purposes; military surveys and engineering planning; alteration, extension, and repair of structures and property; acquisition of lands (not exceeding \$5,000 for any one parcel), easements, rights-of-way, and similar interests in land, and, in administering the provisions of 43 U. S. C. 315q, rentals may be paid in advance; utility services for buildings erected at private cost, as authorized by law (10 U. S. C. 1346), and buildings on military reservations authorized by Army regulations to be used for a similar purpose; purchase of ambulances; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers, including payments in advance for rentals or options to rent land; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; exchange fees, and losses in the accounts of

56 Stat. 654.

32 Stat. 282.

ROTC.

60 Stat. 858.

disbursing officers or agents in accordance with law; expenses of inter-American cooperation, as authorized for the Navy by law (5 U. S. C. 421f) for Latin-American cooperation; not to exceed \$4,396,400 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$2,795,722,986.

MILITARY CONSTRUCTION, ARMY RESERVE FORCES

50 USC 881 note.
10 USC 1339; 40
USC 259, 267.

33 USC 733.

50 USC 883.
Transfer of
funds.

For construction, acquisition, expansion, rehabilitation and conversion of facilities for the training and administration of the reserve components, including contributions therefor, as authorized by the Act of September 11, 1950 (64 Stat. 829), without regard to sections 1136 and 3734, Revised Statutes, as amended, and land and interests therein may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended; and hire of passenger motor vehicles; \$15,000,000, to remain available until expended, of which \$1,000,000 shall be available for the construction of buildings and facilities other than armories without regard to the 75 per centum restriction on contributions contained in section 4 (d) of the Act of September 11, 1950: *Provided*, That not to exceed \$18,000,000 may be transferred to this appropriation from the appropriation "Procurement and Production, Army" for National Guard armory and non-armory construction in accordance with the Act of September 11, 1950, when such transfers are determined by the Secretary of Defense to be in the national interest: *Provided further*, That such portion of the amount so transferred as may be applied to the construction of buildings and facilities other than armories shall be without regard to the 75 per centum restriction on contributions contained in section 4 (d) of the Act of September 11, 1950.

RESERVE PERSONNEL REQUIREMENTS

For pay, allowances, clothing, subsistence, transportation, travel and related expenses, as authorized by law, for personnel of the Army Reserve while on active duty undergoing Reserve training or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps; subsistence for members of the Army Reserve for drills of eight or more hours duration in any one calendar day; \$90,000,000.

ARMY NATIONAL GUARD

54 Stat. 1134.

For pay, allowances, clothing, subsistence, transportation, and travel, as authorized by law, for personnel of the Army National Guard while undergoing training or while performing drills or equivalent duties; expenses of training, organizing and administering the Army National Guard, including maintenance, operation, and alterations to structures and facilities; hire of passenger motor vehicles; personal services in the National Guard Bureau and services of personnel of the National Guard employed as civilians without regard to their military rank, and the number of caretakers authorized to be employed under provisions of law (32 U. S. C. 42) may be such as is deemed necessary by the Secretary of the Army; subsistence for officers attending drills of eight or more hours duration in any one calendar day; travel expenses (other than mileage), as authorized by law for

Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard of the several States, Territories, and the District of Columbia, as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$218,530,000: *Provided*, That in addition, the Secretary of the Army may transfer not to exceed \$25,000,000 to this appropriation from the appropriation "Procurement and Production, Army": *Provided further*, That obligations may be incurred under this appropriation for installation, maintenance, and operation of facilities for anti-aircraft defense without regard to section 67 of the National Defense Act.

39 Stat. 199,
32 USC 21, 22,
49.

RESEARCH AND DEVELOPMENT

For expenses necessary for basic and applied scientific research and development, including maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$345,000,000, to remain available until expended.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For necessary expenses of construction, equipment and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of rifle practice, in accordance with law, including travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions, and not to exceed \$18,000 for incidental expenses of the National Board, \$100,000: *Provided*, That travel expenses of civilian members of the National Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended.

Travel expenses.

ALASKA COMMUNICATION SYSTEM

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and improvement of the Alaska Communication System, including purchase (not to exceed two for replacement only) and hire of passenger motor vehicles, \$4,235,000, to remain available until the close of the fiscal year 1956, and, in addition, not to exceed 15 per centum of the current fiscal year receipts of the Alaska Communication System may be merged with and used for the purposes of this appropriation.

REDUCTIONS IN APPROPRIATIONS

PROCUREMENT AND PRODUCTION

The sum of \$500,000,000 of funds heretofore appropriated under this head is hereby rescinded, such sum to be covered into the Treasury immediately upon approval of this Act.

ARMY STOCK FUND

The amount available in the Army Stock Fund is hereby reduced by \$300,000,000, such sum to be covered into the Treasury immediately upon approval of this Act.

TITLE V

DEPARTMENT OF THE NAVY

MILITARY PERSONNEL, NAVY

For pay, allowances, subsistence, interest on deposits, gratuities, clothing, permanent change of station travel (including expenses of temporary duty between permanent duty stations), training duty travel of midshipmen paid hereunder, and transportation of dependents, household effects, and privately owned automobiles, as authorized by law, for regular and reserve personnel on active duty (except those on active duty while undergoing reserve training), midshipmen at the Naval Academy, and aviation cadets, \$2,417,000,000.

MILITARY PERSONNEL, NAVAL RESERVE

60 Stat. 1060.

For pay, allowances, clothing, subsistence, gratuities, and travel, as authorized by law, for personnel of the Naval Reserve on active duty while undergoing reserve training, or while performing drills or equivalent duty, regular and contract enrollees in the Naval Reserve Officers' Training Corps, and retainer pay authorized by the Act of August 13, 1946 (34 U. S. C. 1020h), \$78,100,000.

NAVY PERSONNEL, GENERAL EXPENSES

For expenses necessary for general training, education and administration of regular and reserve personnel, including tuition, cash book allowances of not to exceed \$50 for each Naval Aviation College program student, and other costs incurred at civilian schools, general training aids and devices, procurement of military personnel, and authorized annuity premiums and retirement benefits for civilian members of teaching staffs; maintenance and operation of Navy training and personnel facilities, including the Naval Academy, Naval Postgraduate School, Naval War College, Naval Home, Navy training schools and facilities, disciplinary barracks, and retraining commands; rent; hire of motor vehicles; not to exceed \$30 per person for civilian clothing, including an overcoat when necessary, for enlisted personnel discharged otherwise than honorably; welfare and recreation; medals and other awards; and departmental salaries; \$75,030,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, subsistence, interest on deposits, gratuities, clothing, permanent change of station travel (including expenses of temporary duty between permanent duty stations), and transportation of dependents, household effects, and privately owned automobiles, as authorized by law, for regular and reserve personnel on active duty (except those on active duty while undergoing reserve training), \$612,180,600.

MILITARY PERSONNEL, MARINE CORPS RESERVE

For pay, allowances, clothing, subsistence, gratuities, and travel, as authorized by law, for personnel of the Marine Corps Reserve and the Marine Corps platoon leaders class on active duty while undergoing reserve training, or while performing drills or equivalent duty, \$16,750,000.

MARINE CORPS TROOPS AND FACILITIES

For necessary expenses of troops and facilities of the Marine Corps not otherwise provided for, including maintenance and operation of equipment and facilities, and procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; not to exceed \$30 per person for civilian clothing, including an overcoat when necessary, for enlisted personnel discharged otherwise than honorably; procurement and manufacture of military supplies, equipment and clothing; hire of passenger motor vehicles; transportation of things; industrial mobilization; rent; medals, awards, emblems and other insignia; care of the dead; and departmental salaries; \$167,994,500.

MARINE CORPS PROCUREMENT

For expenses necessary for the procurement, manufacture, and modification of armament, ammunition, military equipment and vehicles for the Marine Corps, including purchase of passenger motor vehicles; \$129,974,000, to remain available until expended.

AIRCRAFT AND FACILITIES

For expenses necessary for maintenance, operation, and modification of aircraft; maintenance, operation, and lease of air stations and facilities, testing laboratories, fleet and other aviation activities; procurement of services, supplies, special clothing, tools, materials, and equipment, including rescue boats; industrial mobilization; aerological services, supplies, and equipment for the Navy and Marine Corps; and departmental salaries; \$780,895,500.

AIRCRAFT AND RELATED PROCUREMENT

For construction, procurement, and modernization of aircraft and equipment, including ordnance, spare parts, and accessories therefor; expansion of public and not to exceed \$10,000,000 for expansion of private plants, including the land necessary therefor, without regard to section 3734, Revised Statutes, as amended, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; procurement and installation of equipment in public or private plants; and departmental salaries necessary for the purposes of this appropriation, to remain available until expended; \$1,973,568,000: *Provided*, That \$700,000 of the foregoing amount shall be transferred to the appropriation "Salaries and expenses, Weather Bureau, Department of Commerce", fiscal year 1955.

40 USC 259, 267.

33 USC 733 and note.

SHIPS AND FACILITIES

For expenses necessary for design, maintenance, operation, and alteration of vessels; maintenance and operation of facilities; procurement of plant equipment, appliances, and machine tools, and installation thereof in public or private plants; procurement of equipment, supplies, special clothing and services; installation, maintenance, and removal of ships' ordnance; lease of facilities and docks; charter and hire of vessels; relief of vessels in distress; maritime salvage services; industrial mobilization; and departmental salaries; \$818,681,000, of which \$15,675,000 shall be transferred to the appropriation "Coast Guard Operating Expenses, 1955" for the operation of ocean stations.

CONSTRUCTION OF SHIPS

For an additional amount for "Construction of Ships", \$57,600,000, to remain available until expended: *Provided*, That the total of obligations incurred under this head for construction, conversion, or replacement, approved after July 17, 1947, shall not exceed \$1,251,861,000.

SHIPBUILDING AND CONVERSION

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament therefor, plant equipment, appliances, and machine tools, and installation thereof in public or private plants; designs for vessels to be constructed or converted in the future; and departmental salaries necessary for the purposes of this appropriation; \$1,042,400,000, to remain available until expended: *Provided*, That the total of obligations incurred under the heads "Shipbuilding and conversion" and "Ordnance for shipbuilding and conversion", including those incurred against reimbursements credited to these appropriations pursuant to section 403 (b) of the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1574 (b)), shall not exceed \$4,370,504,000.

63 Stat. 717.

ORDNANCE AND FACILITIES

For expenses necessary for the production and procurement of Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); alteration, preservation, and handling of ordnance and ammunition; maintenance of ordnance (except installation, maintenance, and removal of ships' ordnance, and line maintenance of ordnance installed in aircraft); maintenance and operation of ordnance facilities; procurement of equipment, supplies, special clothing and services; procurement of plant equipment, appliances, and machine tools, and installation thereof in naval or private plants; lease of facilities; industrial mobilization; and departmental salaries; \$457,436,000.

ORDNANCE FOR NEW CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority heretofore granted under this head, \$34,000,000, to remain available until expended: *Provided*, That this amount may be disbursed through the appropriation "Ordnance for New Construction, Navy".

MEDICAL CARE

For expenses necessary for maintenance and operation of naval hospitals, medical centers, clinics, schools, and other medical activities; technical medical support of the supply system and other naval activities; procurement of ambulances, medical and dental supplies, equipment and services; rent; instruction of medical personnel in naval hospitals, naval schools, and civilian schools; industrial mobilization; care of the dead; and departmental salaries; \$63,600,000.

CIVIL ENGINEERING

For expenses necessary for maintenance and operation of district public works offices, public works centers, construction battalion centers, defense housing projects, other civil engineering facilities, and shore activities not otherwise provided for; procurement of services, supplies, and equipment for the foregoing activities; purchase and

hire of passenger motor vehicles; engineering services; industrial mobilization; and departmental salaries; \$104,294,000.

MILITARY CONSTRUCTION, NAVAL RESERVE FORCES

For construction, acquisition, expansion, rehabilitation and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps, including contributions therefor, as authorized by the Act of September 11, 1950 (64 Stat. 829), without regard to section 3734, Revised Statutes, as amended, and land and interests therein may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$15,000,000, to remain available until expended.

50 USC 881 note.

40 USC 259, 267.

33 USC 733 and note.

FACILITIES

For expenses necessary for acquisition, construction, and installation of production facilities and equipment, and test facilities and equipment (other than those for research and development), including the land necessary therefor, without regard to section 3734, Revised Statutes, as amended, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended, such amounts as may be determined by the Secretary of the Navy, and approved by the Secretary of Defense and the Bureau of the Budget, and said amounts shall be derived by transfer from any appropriations available to the Department of the Navy, during the current fiscal year for procurement of equipment for installation or use in private plants: *Provided*, That the total amount so transferred shall not exceed \$25,000,000.

40 USC 259, 267.

33 USC 733 and note.

RESEARCH AND DEVELOPMENT

For expenses necessary for basic and applied scientific research and development, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, \$419,874,900, to remain available until expended: *Provided*, That the unexpended balances appropriated for research and development under the heads "Naval Personnel, General Expenses", "Marine Corps, Troops and Facilities", "Aircraft and Facilities", "Ships and Facilities", "Ordnance and Facilities", "Medical Care", "Civil Engineering", "Service-wide Supply and Finance, Navy" for the fiscal years 1953 and 1954 and the unexpended balance of appropriations under the head "Research" are hereby transferred to and merged with this appropriation, in such amounts as may be recommended by the Secretary of Defense and approved by the Director of the Bureau of the Budget, except that the total unobligated portions of such balances so transferred and merged shall not exceed \$8,703,100.

Transfer of funds.

SERVICE-WIDE SUPPLY AND FINANCE

For expenses necessary for maintenance and operation of service-wide supply and finance activities, including supply depots and centers, area provision supply and purchasing offices, supply demand control points, fleet fueling facilities, overseas air cargo terminals, regional accounting and disbursing offices, the material catalog office, and other service-wide supply and finance facilities, as designated by the Secretary; procurement of supplies, services, special clothing, and equipment; rent, intra-Navy transportation of things; transportation of household effects of civilian employees; industrial

mobilization; losses in exchange and in the accounts of disbursing officers, as authorized by law; and departmental salaries; \$340,300,000.

SERVICE-WIDE OPERATIONS

60 Stat. 853.

For expenses necessary for maintenance and operation of the Naval Observatory, the Hydrographic Office, Service-wide Communications, Naval Records Centers, Naval District Headquarters (except training officers), River Commands, the cost inspection service, and other service-wide operations and functions not otherwise provided for; procurement of supplies, services and equipment for activities financed hereunder; Latin-American cooperation; not to exceed \$8,405,000 for emergencies and extraordinary expenses as authorized by section 6 of the Act of August 2, 1946 (5 U. S. C. 419c), to be expended on the approval and authority of the Secretary, and his determination shall be final and conclusive upon the accounting officers of the Government; and departmental salaries; \$104,570,000.

NAVAL PETROLEUM RESERVES

For expenses necessary for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves, as authorized by law, \$3,575,000.

REDUCTIONS IN APPROPRIATIONS

NAVY STOCK FUND

The amount available in the Navy Stock Fund is hereby reduced by \$200,000,000, such sum to be covered into the Treasury immediately upon approval of this Act.

MARINE CORPS STOCK FUND

The amount available in the Marine Corps Stock Fund is hereby reduced by \$25,000,000, such sum to be covered into the Treasury immediately upon approval of this Act.

TITLE VI

DEPARTMENT OF THE AIR FORCE

AIRCRAFT AND RELATED PROCUREMENT

10 USC 1339.

33 USC 733 and
note.

For construction, procurement, and modification of aircraft and equipment, armor and armament, spare parts and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 1136, Revised Statutes, as amended, for the foregoing and other purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; and other expenses necessary for the foregoing purposes, including rents and transportation of things; \$2,760,000,000, to remain available until expended.

MAJOR PROCUREMENT OTHER THAN AIRCRAFT

For procurement of supplies, materials, and equipment, and spare parts therefor, not otherwise provided for; electronic and communication equipment; and the purchase of passenger motor vehicles; \$674,364,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For expenses necessary for basic and applied scientific research and development, including maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$418,070,000, to remain available until expended.

MAINTENANCE AND OPERATIONS

For expenses necessary for the maintenance, operation, and administration of the activities of the Air Force, including the Air Force Reserve and the Air Reserve Officers' Training Corps; maintenance, operation, and modification of aircraft; transportation of things; rents at the seat of government and elsewhere, and in administering the provisions of 43 U. S. C. 315q payments of rents may be made in advance; repair of facilities; field printing plants; procurement of ambulances; hire of passenger motor vehicles; recruiting advertising expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; utility services for buildings erected at private cost as authorized by law (10 U. S. C. 1346), and buildings on military reservations authorized by Air Force regulations to be used for welfare and recreational purposes; rental of land or purchase of options to rent land without reference to section 3648, Revised Statutes, as amended, use or repair of private property, and other necessary expenses of combat maneuvers; organizational clothing and equipage; civilian clothing not to exceed \$30 in cost for each person upon each release from a military prison, each enlisted man discharged other than honorably, each enlisted man sentenced by a civil court to confinement in a civil prison, and each enlisted man interned, or discharged without internment as an alien enemy; authorized issues of articles for use of applicants for enlistment and persons in military custody; payment of exchange fees and exchange losses incurred by Air Force disbursing officers or their agents; losses in the accounts of Air Force disbursing officers as authorized by law (31 U. S. C. 95a; 50 U. S. C. 1705-1707); burial of the dead as authorized by law (10 U. S. C. 916-916d; 5 U. S. C. 103a), including remains of personnel of the Air Force of the United States who die while on active duty, travel allowances of attendants accompanying remains, and acquisition by lease or otherwise of temporary burial sites; chaplain and other welfare and morale supplies and equipment; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; expenses of courts, boards and commissions; expenses for inter-American cooperation as authorized for the Navy by the Act of August 2, 1946 (5 U. S. C. 421f), for Latin-American cooperation; and special services by contract or otherwise; \$3,502,792,000.

56 Stat. 654.

32 Stat. 282.

31 USC 529.

58 Stat. 800, 921.
50 U S C app.
1705-1707.
52 Stat. 398; 54
Stat. 743.

60 Stat. 858.

MILITARY PERSONNEL

39 Stat. 167.
10 USC 38.
66 Stat. 496.

For pay, allowances, clothing, subsistence, transportation, interest on deposits of enlisted personnel, and travel in kind for cadets and permanent change of station travel for all other personnel of the Air Force of the United States on active duty including duty under section 5, National Defense Act, as amended, or section 252 of the Armed Forces Reserve Act of 1952 (50 U. S. C. 1003) (other than personnel of the reserve components, including the Air National Guard, on active duty while undergoing reserve training), including commutation of quarters, subsistence supplies for issue as rations to enlisted personnel, and clothing allowances, as authorized by law; and, in connection with personnel paid from this appropriation, for rental of camp sites and local procurement of utility services and other necessary expenses incident to individual or troop movements (including packing and unpacking and transportation of organizational equipment); ice, meals for recruiting parties, monetary allowances for liquid coffee for troops when supplied cooked or travel rations, and commutation of rations, as authorized by law, to enlisted personnel, including those sick in hospitals; transportation, as authorized by law, of dependents, baggage, and household effects of personnel paid from this appropriation; rations for applicants for enlistment, prisoners of war, and general prisoners; subsistence supplies for resale, as authorized by law; commutation of rations, as authorized by regulations, to applicants for enlistment, and general prisoners, while sick in hospitals; subsistence of supernumeraries necessitated by emergent military circumstances; expenses of apprehension and delivery of deserters, prisoners, and members of the Air Force absent without leave, including payment of rewards (not to exceed \$25 in any one case); confinement of military prisoners in nonmilitary facilities; and donations of not to exceed \$25 to each civilian prisoner upon each release from a military prison, to each enlisted man discharged otherwise than honorably upon each release from confinement under court-martial sentence, and to each person discharged for fraudulent enlistment; \$3,356,704,000.

RESERVE PERSONNEL

For pay, allowances, clothing, subsistence, and travel for personnel of the Air Force Reserve and the Air Reserve Officers' Training Corps, while on active duty undergoing reserve training or while performing drills or equivalent duty, as authorized by law; and the procurement and issue of uniforms to institutions necessary for the training of the Air Reserve Officers' Training Corps, as authorized by law; \$28,000,000: *Provided*, That in addition, the Secretary of the Air Force may transfer not to exceed \$5,000,000 to this appropriation from any appropriation available to the Department of the Air Force which is limited for obligation to fiscal year 1955.

AIR NATIONAL GUARD

For pay, allowances, clothing, subsistence, transportation (including mileage, actual and necessary expenses, or per diem in lieu thereof), medical and hospital treatment and related expenses, for members of the Air National Guard while undergoing Reserve training or while performing drills or equivalent duty, as authorized by law; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, of Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief,

National Guard Bureau; establishment, maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including construction of facilities, and additions, extensions, alterations, improvements, and rehabilitation of existing facilities, as authorized by the Act of September 11, 1950 (Public Law 783); maintenance, operation, and modification of aircraft; transportation of things; purchase and hire of passenger motor vehicles; procurement and issue to the Air National Guard of the several States, Territories, and the District of Columbia of supplies, materials, and equipment, as authorized by law; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; \$160,000,000: *Provided*, That in addition, the Secretary of the Air Force may transfer not to exceed \$9,000,000 to this appropriation from any appropriation available to the Department of the Air Force which is limited for obligation to fiscal year 1955: *Provided further*, That the number of caretakers authorized to be employed under the provisions of law (32 U. S. C. 42) may be such as is deemed necessary by the Secretary of the Air Force.

64 Stat. 829.
50 USC 881 note.
Supplies, etc.

39 Stat. 205; 54
Stat. 1134.

CONTINGENCIES

For emergencies and military expenses, to be expended on the authority or approval of the Secretary of the Air Force, and such expenses may be accounted for solely on his certificate, \$28,000,000.

REDUCTION IN APPROPRIATION

AIR FORCE STOCK FUND

The amount available in the Air Force Stock Fund is hereby reduced by \$25,000,000, such sum to be covered into the Treasury immediately upon approval of this Act.

TITLE VII

GENERAL PROVISIONS

SEC. 701. During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army, and Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions, the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$50 per day, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Experts or consultants.

60 Stat. 810.

SEC. 702. Section 3648, Revised Statutes, shall not apply in the case of payments made from appropriations contained in this Act, (1) to payments made in compliance with the laws of foreign countries or their ministerial regulations, (2) to payments for rent in such countries for such periods as may be necessary to accord with local custom, or (3) to payments made for tuition.

Advance of
public moneys.
31 USC 529.

SEC. 703. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Noncitizens.

Detailed personnel.

SEC. 704. Such military and naval personnel as may be detailed for duty with agencies not a part of the Department of Defense on a reimbursement basis may be employed in addition to the numbers otherwise authorized and appropriated for.

Availability of appropriations.

SEC. 705. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement of General Services Administration for security guard services for protection of confidential files; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with (1) instruction and training, including tuition, specifically approved by the Secretary of the Department concerned and not otherwise provided for, of civilian employees, and (2) communication and other services and supplies as may be necessary to carry out the purposes of this Act: *Provided*, That no appropriation contained in this Act, and no funds available from prior appropriations to component departments and agencies of the Department of Defense, shall be used to pay tuition or to make other payments to educational institutions in connection with the instruction or training of file clerks, stenographers, and typists receiving, or prospective file clerks, stenographers, and typists who will receive compensation at a rate below the minimum rate of pay for positions allocated to grade GS-5 under the Classification Act of 1949, as amended.

Tuition payments, etc., restriction.

63 Stat. 954.
5 USC 1071 note.

Prisoners of war, etc.

SEC. 706. Any appropriation available to the Air Force, Army, or the Navy may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Air Force, Army, or Navy custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Minor construction.

SEC. 707. Appropriations available to the Department of Defense for the current fiscal year for construction or maintenance shall be available for minor construction (except family quarters), conversion of and extensions to existing structures, and improvements, at facilities of the Department concerned, but the cost of any project authorized under this section which is not otherwise authorized shall not exceed the following cost limitations, but only one allotment shall be made for any one project or unit: (a) any such project determined by the Secretary of Defense to be urgently required in the interests of national defense, \$200,000; (b) any such project determined by the Secretary of the Department concerned to be urgently required in the interests of national defense, \$50,000; and (c) any other such project, \$25,000: *Provided*, That the cost limitations of this section shall not apply to amounts authorized to be expended for emergency expenses on the approval of the Secretary concerned: *Provided further*, That the cost of converting existing structures to family quarters pursuant to the authority contained in this section shall not exceed \$50,000 during the current fiscal year at any single facility of the Department concerned.

Cost limitation.

Emergency expenses.

Family quarters.

SEC. 708. During the current fiscal year, appropriations otherwise available for construction of family quarters for personnel shall not be obligated for such construction at a cost per family unit in excess of \$14,040 on housing units for generals; \$12,040 on housing units for majors, lieutenant colonels and colonels, or equivalent; \$11,040 on housing units for second lieutenants, lieutenants, captains, and war-

rant officers, or equivalent; or \$10,040 on housing units for enlisted personnel, except that when such units are constructed outside the continental United States or in Alaska, the average cost per unit of all such units shall not exceed \$25,850 and in no event shall the individual cost exceed \$35,000, except units for the Alaska Communications System the individual cost of which shall not exceed \$40,000.

SEC. 709. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) except as authorized by the Act of September 30, 1950 (20 U. S. C. 236-244), for primary and secondary schooling for dependents of military and civilian personnel of the Department of Defense residing on military or naval installations or stationed in foreign countries, as authorized for the Navy by section 13 of the Act of August 2, 1946 (5 U. S. C. 421d) in amounts not exceeding an average of \$235 per student, when the Secretary of the Department concerned finds that schools, if any, available in the locality, are unable to provide adequately for the education of such dependents; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by the Act of August 2, 1946, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interest thereon arising out of condemnation proceedings.

SEC. 710. No part of any appropriation contained in this Act shall be used directly or indirectly except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week, (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend from time to time in whole or in part compliance with this section if he should deem such course to be in the public interest.

SEC. 711. Insofar as practicable, the Secretary of Defense shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this

Schooling for dependents.

64 Stat. 1100.

60 Stat. 854.

Occupied areas.
Rewards, Navy.

60 Stat. 858.
5 USC 421f.

Canal Zone.
Citizenship requirements.

Panamanian citizens.
48 USC 1307 note.

Employee with 15 or more years of service.

Hours of employment; pay rate.

Applicability of section.

Suspension of compliance.

Assistance to American small business.

Act by making available or causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by making available or causing to be made available to purchasing and contracting agencies of the Department of Defense information as to commodities and services produced and furnished by small independent enterprises in the United States, and by otherwise helping to give small business an opportunity to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

Messes.
Operation.

SEC. 712. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursement of operating expenses and food costs to the appropriations concerned: *Provided*, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than \$2.25 per day: *Provided further*, That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deductions from the pay of civilian employees.

Travel-status
rate.

Availability of
appropriations.

SEC. 713. No part of any appropriation contained in this Act shall be available until expended unless expressly so provided elsewhere in this or some other appropriation Act.

Tableware, etc.,
in officers' quar-
ters.

SEC. 714. No part of any appropriation contained in this Act shall be available for or on account of the supply or replacement of table linen, dishes, glassware, silver, and kitchen utensils for use in the residences or quarters of officers on shore (other than for field messes, messes temporarily set up on shore for bachelor officers and officers attached to seagoing or district defense vessels, to aviation units based on seagoing vessels, to the fleet air bases, to the submarine bases, or to landing forces and expeditions), except in accordance with regulations approved by the Secretary of Defense, which shall provide for uniform practices among all of the services.

Proceeds from
sale of scrap.

SEC. 715. Not more than \$40,000,000 of the amounts received during the current fiscal year by the Department of Defense as proceeds from the sale of scrap or salvage materials, shall be available during the current fiscal year for expenses of transportation, demilitarization, and other preparation for sale or salvage of military supplies, equipment, and matériel: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to the Committees on Appropriations of the Congress: *Provided further*, That no funds available to agencies of the Department of Defense shall be used for the operation, acquisition or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

Report.

Metal scrap bal-
ing, etc.

SEC. 716. During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

SEC. 717. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned, with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenue from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Commissary stores.

Restriction.

SEC. 718. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Strikes or overthrow of Government.

Affidavit.

Penalty.

SEC. 719. Hereafter, no part of any money appropriated to the Department of Defense shall be expended under any contract (other than a contract for personal services) entered into after the enactment of this Act unless such contract provides—

Gratuities. Contract provisions.

(1) that the Government may, by written notice to the contractor, terminate the right of such contractor to proceed under

such contract if it is found, after notice and hearing, by the Secretary of the military department with which the contract is made, or his designee, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by such contractor, or any agent or representative of such contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing, of such contract: *Provided*, That the existence of the facts upon which such Secretary makes such findings shall be in issue and may be reviewed in any competent court,

(2) that in the event any such contract is so terminated the Government shall be entitled, (a) to pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor, and (b) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount not less than three nor more than ten times (as determined by the Secretary or his designee) the costs incurred by any such contractor in providing any such gratuities to any such officer or employee.

Civilian employee ceiling.

SEC. 720. No funds appropriated in titles II, IV, V, and VI of this Act shall be used for the payment in excess of 475,000 full-time graded civilian employees (including (a) the full-time equivalent of part-time employment, (b) persons who are described as "consultants" or who are compensated on a "when actually employed" basis if such persons are employed on a contract basis or are paid on a per diem basis, and (c) persons employed without compensation if they are reimbursed for expenses) at any one time during the current fiscal year: *Provided*, That whenever, in the opinion of the Secretary of the Military Department concerned, the direct substitution of civilian personnel for an equivalent or greater number of military personnel will result in economy without adverse effect upon national defense, such substitution may be accomplished without regard to the foregoing limitation, and such funds as may be required to accomplish the substitution may be transferred from the appropriate military personnel appropriation to, and merged with, the appropriation charged with compensation of such civilian personnel.

Exception.

Proficiency flying.

SEC. 721. Notwithstanding any other provision of law, executive order, or regulation, no part of the appropriations in this Act shall be available for any expenses of operating aircraft under the jurisdiction of the Armed Forces for the purpose of proficiency flying except in accordance with regulations issued by the Secretaries of the Departments concerned and approved by the Secretary of Defense which shall establish proficiency standards and maximum and minimum flying hours for this purpose: *Provided*, That during the fiscal year, without regard to any provision of law or executive order prescribing minimum flight requirements, such regulations may provide for the payment of flight pay at the rates prescribed in section 204 (b) of the Career Compensation Act of 1949 (63 Stat. 802) to certain officers of the Armed Forces otherwise entitled to receive flight pay (1) who have held aeronautical ratings or designations for not less than twenty years, or (2) whose particular assignment outside the United States makes it impractical to participate in regular aerial flights.

Flight pay for certain officers.

63 Stat. 810.
37 USC 235.

Household goods.

SEC. 722. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in excess of eleven thousand pounds net in any one shipment: *Provided*, That the limitations imposed herein shall not be applicable in the case of members transferred to or serving in stations outside the

Nonapplicability.

continental United States or in Alaska under orders relieving them from a duty station within the United States prior to July 10, 1952, and who are returned to the United States under orders relieving them from a duty station beyond the United States or in Alaska on or after July 1, 1953.

SEC. 723. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any of such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Transfer of vessels.

SEC. 724. None of the funds provided in this Act shall be available for training in any legal profession nor for the payment of tuition for training in such profession: *Provided*, That nothing contained in this Act shall prohibit persons now attending law courses from completing same: *Provided further*, That this limitation shall not apply to the off-duty training of military personnel as prescribed by section 730 of this Act.

Legal training.

SEC. 725. Funds provided in this Act for public information and public relations shall not exceed \$3,500,000.

Public information and relations.

SEC. 726. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during fiscal year 1955 shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to active duty training of civilian components.

Obligated funds, 1955.

SEC. 727. During the fiscal year 1955, the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

Acceptance of property, etc., from foreign countries.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor: *Provided*, That within thirty days after the end of each quarter the Secretary of Defense shall render to the Committees on Appropriations of the Senate and the House of Representatives and to the Bureau of the Budget a full report of such property, supplies, and commodities received during such quarter.

Reports to Congress and Bureau of the Budget.

SEC. 728. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 4 of the Act of July 16, 1952 (66 Stat. 725).

Research and development.

5 USC 235e, 475j, 628e.

SEC. 729. Hereafter, no part of the funds appropriated to the Department of Defense shall be available for the payment to any person in the military service who is resident of a United States Territory or possession, of any foreign duty pay as prescribed in section 206 of the Career Compensation Act (Public Law 351, Eighty-first Congress), unless such person is serving in an area outside the Territory or possession of which he is a resident.

Foreign duty pay restrictions.

63 Stat. 811.
37 USC 237.

SEC. 730. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses for off-duty training of military personnel, nor for the payment of any part of tuition or expenses for

Tuition payments, etc.

<p>ROTC. Loyalty require- ment.</p>	<p>such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.</p> <p>SEC. 731. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.</p>
<p>Availability of funds. Time extension.</p>	<p>SEC. 731½. Those appropriations or funds available to the Department of Defense or any agency thereof which would otherwise lapse for expenditure purposes on June 30, 1954, and designated by the Secretary of Defense not later than July 31, 1954, shall remain available until June 30, 1955, to such department or agency solely for expenditure for the liquidation of obligations legally incurred against such appropriation during the period for which such appropriation was legally available for obligation: <i>Provided</i>, That the Department of Defense shall make a review of all contracts entered into under such appropriations or funds and outstanding on June 30, 1954, and report to the Appropriations Committees of the Senate and the House of Representatives by January 31, 1955, (a) the total value of contracts cancelled, (b) the total value of contracts adjusted and the resultant savings therefrom, and (c) the total value of contracts continued on the basis of determined need: <i>Provided further</i>, That any such contract shall be terminated no later than June 30, 1955, unless the Secretary of the Department concerned certifies prior to January 1, 1955, that continuation is necessary for reasons of economy or in the national interest.</p>
<p>Contract review. Report.</p>	<p>SEC. 732. Section 4 of the Act of June 29, 1948 (62 Stat. 1094), is amended by striking the words "in April".</p>
<p>Termination date.</p>	<p>SEC. 733. No part of any appropriation contained in this Act shall be available for the procurement of any article of food, clothing, cotton or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton or wool grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters and emergency procurements or procurements of perishable foods by establishments located outside the continental United States, except the Territories of Hawaii and Alaska, for the personnel attached thereto: <i>Provided</i>, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: <i>Provided further</i>, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations.</p>
<p>Board of Visitors. 10 USC 1058; 34 USC 1086. Procurement of U. S. products.</p>	<p>SEC. 734. None of the funds appropriated by this Act may be used in the preparation or prosecution of the pending suit in the United States District Court for the Southern District of California, Southern Division, by the United States of America against Fallbrook Public Utility District, a public service corporation of the State of California, and others: <i>Provided</i>, That this section shall have no force or effect after the effective date of H. R. 5731, Eighty-third Congress, as finally enacted into law.</p>
<p>Restriction.</p>	<p>SEC. 735. None of the funds appropriated in this Act shall be used for the purchase of passenger automobiles except for replacement.</p>
<p>Fallbrook Public Utility District.</p>	
<p>Post, p. 575.</p>	
<p>Passenger auto- mobiles.</p>	

SEC. 736. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or dry-cleaning facility in the United States, its Territories, or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Bakeries, laundries, etc.

SEC. 737. In order more effectively to administer the funds appropriated to the Department of Defense, the President, to the extent he deems it necessary and appropriate in the interest of national defense, may authorize positions in the Department of Defense to be placed temporarily in grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949 in accordance with the procedures and standards of that Act, and such positions shall be additional to the number authorized by section 505 of that Act. Under authority herein, grades 16, 17, and 18 in the Department of Defense may be increased only to the extent that the total of such grades in the Department of Defense shall not exceed two hundred.

Grades 16-18.
Temporary positions.

63 Stat. 954.
5 USC 1071 note.

5 USC 1105.

SEC. 738. During the fiscal year 1955, appropriations of the Department of Defense shall be available for reimbursement to the Post Office Department for payment of costs of commercial air transportation of military mail between the United States and foreign countries.

Post Office Department.

SEC. 739. This Act may be cited as the "Department of Defense Appropriation Act, 1955."

Short title.

Approved June 30, 1954.

Public Law 459

CHAPTER 433

AN ACT

To equalize the treatment accorded to commissioned officers of the Veterinary Corps with that accorded to commissioned officers of other corps of the Army Medical Service, and for other purposes.

June 30, 1954
[S. 932]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first proviso contained in numbered paragraph (1) of subsection 505 (b) of the Officer Personnel Act of 1947 is amended to read as follows: "Provided, That in the Medical Corps, Dental Corps, Veterinary Corps, and chaplains promotion lists there shall be no second lieutenants, and the numbers authorized in the grade of first lieutenant in such promotion lists shall be all those not authorized in higher grades:"

Veterinary Corps officers.
Service credit.
61 Stat. 888.
10 USC 559.

(b) The third clause of the second sentence of subsection 506 (c) of such Act is amended to read as follows: "each person appointed and commissioned an officer of the Veterinary Corps shall, at the time of appointment, be credited with an amount of service equal to three years;"

10 USC 506c.

(c) The third sentence of subsection 506 (g) of such Act is amended to read as follows: "Effective December 31, 1947, each commissioned officer of the Medical Corps who on that date has less than four years' service credit, each commissioned officer of the Dental Corps, each Regular Army Chaplain, each commissioned officer of the Judge Advocate General's Department, and each commissioned officer of the Veterinary Corps, who as of that date had less than three years' service credit, shall, for promotion, seniority, and promotion-list-position purposes, be credited as of that date with four years' service and three years' service, respectively."

(d) Each person appointed and commissioned an officer of the Veterinary Corps subsequent to December 31, 1947, who, at time of

appointment, was credited with less than three years' service under the second sentence of subsection 506 (c) of the Officer Personnel Act of 1947, shall, for promotion, seniority, and promotion-list-position purposes, be credited as of the date of appointment with three years' service: *Provided*, That no back pay or allowances shall be held to have accrued as the result of the enactment of this subsection for any period prior to the date of enactment thereof.

Approved June 30, 1954.

Public Law 460

CHAPTER 434

June 30, 1954
[S. 3481]

AN ACT

To amend sections 23A and 24A of the Federal Reserve Act, as amended.

Bank premises.

48 Stat. 183; 49
Stat. 717.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third paragraph of section 23A of the Federal Reserve Act, as amended (U. S. C., 1952 edition, title 12, sec. 371c), is amended by deleting therefrom the words "on June 16, 1934," and substituting in lieu thereof the word "solely"; and by deleting therefrom the words "or in maintaining and operating properties acquired for banking purposes prior to such date".

48 Stat. 184.

SEC. 2. Section 24A of the Federal Reserve Act, as amended (U. S. C., 1952 edition, title 12, sec. 371d), is amended by inserting after the words "investments and loans" a comma and the words "together with the amount of any indebtedness incurred by any such corporation which is an affiliate of the bank, as defined in section 2 of the Banking Act of 1933, as amended,".

48 Stat. 162.
12 USC 221a.

Approved June 30, 1954.

Public Law 461

CHAPTER 435

June 30, 1954
[H. R. 3413]

AN ACT

To grant oil and gas in lands and to authorize the Secretary of the Interior to issue patents in fee on the Fort Peck Indian Reservation, Montana, to individual Indians in certain cases.

Fort Peck Indian
Reservation, Mont.
Oil and gas
grants.

Lieu allotments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the oil and gas in land located within the Fort Peck Indian Reservation, Montana, allotted on or after March 3, 1927, which is now reserved to the Indians having tribal rights on such reservation by the first section of the Act of March 3, 1927 (44 Stat. 1401), relating to oil and gas in certain tribal lands within the Fort Peck Indian Reservation, Montana, is hereby granted to the allottee of such lands, or, if such Indian is deceased, to his heirs or devisees: *Provided*, That if the allottee or his heirs or devisees, relinquished such allotment and received a lieu allotment of other lands in the said reservation or transferred title to such allotment to the Fort Peck Tribe and, in exchange therefor, received an assignment of the same or other lands in the said reservation, the oil and gas hereby granted shall be only that in the land in the lieu allotment or the exchange assignment, as the case may be.

SEC. 2. If on or after March 3, 1927, the allottee or his heirs or devisees, relinquished an allotment made prior to March 3, 1927, and received a lieu allotment of other lands in the said reservation or transferred title to such allotment to the Fort Peck Tribe and, in exchange therefor, received an assignment of the same or other lands

in the said reservation, the oil or gas in the land in such lieu allotment or such exchange assignment is hereby granted to the holder of the lieu allotment or the exchange assignment, as the case may be, unless the allottee or his heirs or devisees reserved the oil and gas in the lands transferred or relinquished.

SEC. 3. Title to the oil and gas granted by this Act shall be held in trust by the United States for the Indian owners, except where the entire interest in the oil and gas is granted to Indians to whom a fee patent for any land within the Fort Peck Indian Reservation has heretofore been issued, in which event the unrestricted fee simple title is hereby granted to the Indian owner, and except where the entire interest in the oil and gas is hereafter held for Indians to whom a fee patent for any land within said reservation has heretofore or hereafter been issued or who are determined by the Secretary of the Interior to be competent to manage their own affairs, in which event the unrestricted fee simple title shall be transferred to the Indian owner by the Secretary.

Titles and fee patents.

SEC. 4. If the Secretary of the Interior determines that the entire interest in land, including land held under an exchange assignment, on the Fort Peck Indian Reservation is owned by Indians who are the grantees of oil and gas under this Act and who are competent to manage their own affairs, he is authorized and directed to issue fee patents to them for such interest.

SEC. 5. No oil and gas lease which was entered into pursuant to the first section of the Act of March 3, 1927, which covers in whole or in part the lands referred to in sections 1 and 2 of this Act, and which is in effect on the date of enactment of this Act, shall be affected by reason of the enactment of this Act, except that any royalties and other moneys payable under such lease after such date of enactment, which are attributable to the oil and gas granted to an Indian by sections 1 or 2 of this Act shall be payable to such Indian, or if such Indian is deceased, to his heirs or devisees.

Oil and gas leases.

SEC. 6. This Act shall not apply to oil and gas in tribal land which, on the date of the enactment of this Act, is otherwise undisposed of.

Nonapplicability.

SEC. 7. Any and all moneys collected by the tribes as advance rentals, bonus, and royalties of oil and gas leases after March 3, 1927, and prior to the transfer of said oil and gas rights pursuant to this Act to said individual Indians may also be paid by authority of said executive board to the individual Indians to whom said oil and gas rights are transferred pursuant to this Act.

Advance rentals, etc.

SEC. 8. The provisions of this Act shall not be effective unless approved in a referendum by a majority of the members of the Fort Peck Tribe actually voting therein: *Provided*, That the total vote cast shall not be less than 30 per centum of those entitled to vote. This referendum shall be conducted on not less than sixty days' notice under the direction of the Secretary of the Interior or his duly authorized representative.

Effectivity.

Approved June 30, 1954.

Public Law 462

CHAPTER 436

AN ACT

To approve the repayment contract negotiated with the Roza Irrigation District, Yakima project, Washington, and to authorize its execution, and for other purposes.

June 30, 1954
[H. R. 6487]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the repayment

Roza Irrigation District, Repayment contract.

43 USC 485f. contract negotiated as provided in subsection (a) of section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187) by the Secretary of the Interior with the Roza Irrigation District, and substantially in the form approved by the electors of that district at a water users election held on May 29, 1953, is approved and the Secretary is authorized to execute it on behalf of the United States.

43 USC 485a. SEC. 2. This Act is declared to be part of the Federal reclamation laws as those laws are defined in the Reclamation Project Act of 1939 (53 Stat. 1187).

Approved June 30, 1954.

Public Law 463

CHAPTER 437

AN ACT

June 30, 1954
[H. R. 8790]

To authorize certain veterans' benefits for persons disabled in connection with reporting for final acceptance, induction, or entry into the active military or naval service.

Disabilities prior to induction. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That paragraph IV, part II, Veterans Regulation Numbered 1 (a), as amended, as added by Public Law 300, Seventy-eighth Congress, May 11, 1944, is hereby redesignated paragraph "V", and is amended by deleting the words "termination of the present hostilities" following the words "prior to", and inserting in lieu thereof the following: "January 1, 1947, or on or after June 27, 1950, and prior to such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress".

Restriction. SEC. 2. Compensation shall not be paid for any period prior to the date of enactment of this Act to any person whose eligibility for compensation is established solely by virtue of this Act.

Approved June 30, 1954.

Public Law 464

CHAPTER 445

AN ACT

July 1, 1954
[H. R. 9474]

To extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended.

Trade agreements extension. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the period during which the President is authorized to enter into foreign-trade agreements under section 350 of the Tariff Act of 1930, as amended and extended (19 U. S. C., sec. 1351), is hereby extended for a further period of one year from June 12, 1954.

SEC. 2. No action shall be taken pursuant to such section 350 to decrease the duty on any article if the President finds that such reduction would threaten domestic production needed for projected national defense requirements.

61 Stat. pts. 5 and 6. SEC. 3. The enactment of this Act shall not be construed to determine or indicate the approval or disapproval by the Congress of the Executive agreement known as the General Agreement on Tariffs and Trade.

Approved July 1, 1954.

Public Law 465

CHAPTER 446

AN ACT

Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1955, and for other purposes.

July 1, 1954
[H. R. 8680]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Interior Department
Appropriation
Act, 1955.

TITLE I—DEPARTMENT OF THE INTERIOR

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior for the fiscal year ending June 30, 1955, namely:

OFFICE OF THE SECRETARY

ENFORCEMENT OF CONNALLY HOT OIL ACT

For expenses necessary for controlling the interstate shipment of contraband oil as required by law (15 U. S. C. 715), \$140,000.

49 Stat. 30.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U. S. C. 825s), as applied to the southeastern power area, \$1,228,000.

58 Stat. 890.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U. S. C. 825s), as applied to the southwestern power area, \$1,765,000, and in addition \$775,000 shall be transferred to this appropriation from the appropriation "Construction, Southwestern Power Administration".

58 Stat. 890.

RESEARCH IN THE UTILIZATION OF SALINE WATER

For expenses necessary to carry out provisions of Public Law 448, approved July 3, 1952, authorizing studies of the conversion of saline water for beneficial consumptive uses, \$400,000.

66 Stat. 328.
42 USC 1951-
1953.

OIL AND GAS DIVISION

For necessary expenses to enable the Secretary to discharge his responsibilities with respect to oil and gas, including cooperation with the petroleum industry and State authorities in the production, processing, and utilization of petroleum and its products, and natural gas, \$250,000.

EMERGENCY FLOOD AND STORM REPAIRS

To enable the Secretary of the Interior to reimburse applicable appropriations for the cost of personnel, supplies, and facilities, diverted for the repair, reconstruction, rehabilitation, or replacement of structures, buildings, or other facilities, including equipment, damaged or destroyed by flood or storm, \$100,000.

OFFICE OF THE SOLICITOR

For necessary expenses of the Office of the Solicitor, \$2,469,000, to be derived by transfer from other appropriations made in this Act in the sums and in the manner set forth in Senate Report Numbered 1506, Eighty-third Congress, and in addition, not to exceed \$100,000 shall be transferred from other accounts available to the Department of the Interior and made a part of this appropriation.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

36 Stat. 371.

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U. S. C. 104), including payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and committee meetings of the Commission either within or outside the District of Columbia, to be disbursed on vouchers approved by the Commission, \$21,200.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, to remain available until expended, \$24,314,000: *Provided*, That, during the current fiscal year, not more than \$6,250,000 of the funds available under this appropriation heading shall be used for personal services and not more than \$750,000 shall be used for travel expenses.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of the Bonneville transmission system and of marketing electric power and energy, \$6,200,000.

ADMINISTRATIVE PROVISIONS

Appropriations of the Bonneville Power Administration shall be available to carry out all the duties imposed upon the Administrator pursuant to law. Appropriations made herein to the Bonneville Power Administration shall be available in one fund, except that the appropriation herein made for operation and maintenance shall be available only for the service of the current fiscal year.

Restriction.

Other than as may be necessary to meet local emergencies, not to exceed 12 per centum of the appropriation for construction herein made for the Bonneville Power Administration shall be available for construction work by force account or on a hired-labor basis.

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, \$11,913,000: *Provided*, That this appropriation may be expended on a reimbursable basis for surveys of lands other than those under the jurisdiction of the Bureau of Land Management: *Provided further*, That, for the purpose of surveying federally controlled or

intermingled lands, contributions toward the cost thereof may be accepted.

CONSTRUCTION

For construction of access roads on the revested Oregon and California Railroad grant lands; acquisition of rights-of-way and of existing connecting roads adjacent to such lands; to remain available until expended, \$2,500,000: *Provided*, That the amount appropriated herein for road construction shall be transferred to the Bureau of Public Roads, Department of Commerce: *Provided further*, That said sum is hereby made a reimbursable charge against the Oregon and California land-grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937.

50 Stat. 876.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title: *Provided*, That of appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures for construction of access roads and for acquisition of rights-of-way and of existing connecting roads adjacent to such lands) shall be reimbursed from the 25 per centum referred to in section C, title II, of the Act approved August 28, 1937, of the special fund designated the "Oregon and California Land Grant Fund" and section 4 of the Act approved May 24, 1939, of the special fund designated the "Coos Bay Wagon Road Grant Fund".

50 Stat. 876.

53 Stat. 754.

RANGE IMPROVEMENTS

For construction, purchase, and maintenance of range improvements pursuant to the provisions of sections 3 and 10 of the Act of June 28, 1934, as amended (43 U. S. C. 315), sums equal to the aggregate of all moneys received, during the current fiscal year, as range improvement fees under section 3 of said Act and of 25 per centum of all moneys received, during the current fiscal year, under section 15 of said Act, to remain available until expended.

48 Stat. 1270,
1273.

43 USC 315m.

BUREAU OF INDIAN AFFAIRS

HEALTH, EDUCATION, AND WELFARE SERVICES

For expenses necessary to provide health, education, and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations or lands; and operation of Indian arts and crafts shops and museums; \$59,547,215.

RESOURCES MANAGEMENT

For expenses necessary for management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of

irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; and development of Indian arts and crafts as authorized by law; \$12,881,245.

CONSTRUCTION

Restrictions.

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, roads and trails, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract; to remain available until expended, \$7,673,000: *Provided*, That, during the current fiscal year, not more than \$3,800,000 of the funds available under this appropriation heading shall be available for personal services: *Provided further*, That no part of the sum herein appropriated shall be used for the acquisition of land within the States of Arizona, California, Colorado, New Mexico, South Dakota, Utah, and Wyoming outside of the boundaries of existing Indian reservations: *Provided further*, That no part of this appropriation shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington either inside or outside the boundaries of existing reservations: *Provided further*, That of the amount included herein for the construction of roads and trails, such part of the amount as determined by the Commissioner of Indian Affairs shall be available only for roads and trails which State and local governments agree to take over and maintain when the improvement is completed.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$2,750,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of ice for official use of employees; and expenses required by continuing or permanent treaty provisions.

TRIBAL FUNDS

18 USC 4124.

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated \$3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391), including cash grants; and employment of a recreational director for the Menominee Reservation and a curator for the Osage Museum, each of whom shall be appointed with the approval of the respective tribal councils and without regard to the

classification laws: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary: *Provided, however*, That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, Washington, and Wyoming, either inside or outside the boundaries of existing Indian reservations, if such acquisition results in the property being exempted from local taxation.

Restriction.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows:

43 USC 372 et seq.

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans; engineering and economic investigations, as a basis for legislation, and for reports thereon to Congress, relating to projects for the development and utilization of the water resources of Alaska; formulating plans and preparing designs and specifications for authorized Federal reclamation projects or parts thereof prior to initial allocation of appropriations for construction of such projects or parts; and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects; to remain available until expended, \$3,350,000, of which \$2,750,000 shall be derived from the reclamation fund and \$500,000 shall be derived from the Colorado River development fund: *Provided*, That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest: *Provided further*, That, except as herein expressly provided with respect to investigations in Alaska, no part of this appropriation shall be expended in the conduct of activities which are not authorized by law.

Reports.

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, including payments under the Act of August 15, 1953 (67 Stat. 592), to remain available until expended, \$126,637,000, of which \$55,626,197 shall be derived from the reclamation fund: *Provided*, That, during the current fiscal year, not more than \$26,000,000 of the funds available under this appropriation heading shall be available for personal services and not more than \$1,000,000 shall be available for travel: *Provided further*, That not to exceed \$53,000 shall be available toward the emergency rehabilitation of the Avondale irrigation project, Idaho, to be repaid in full under conditions satisfactory to the Secretary of the Interior: *Provided further*, That not to exceed \$297,000 shall be available toward the emergency rehabilitation of the Crescent Lake Dam project, Oregon, to be repaid in full under conditions satisfactory to the Secretary of the Interior: *Provided further*, That sums made available for increasing spillway capacity at Alamogordo Dam, Carlsbad project, New Mexico, for the purpose of removing the existing flood hazard, be nonreimbursable and nonreturnable: *Provided further*, That the unexpended

Shoshone and
Arapahoe Tribes.
25 USC 611 note.

Limitations.

56 Stat. 451.
43 USC 390a.

Restrictions.

funds appropriated for Savage Rapids Dam rehabilitation in Public Law 470, Eighty-second Congress, second session, shall be available for rehabilitation of appurtenant canal protective works: *Provided further*, That not to exceed \$45,000 of the unexpended funds heretofore appropriated for the Jamestown unit (North Dakota), Missouri River Basin project, shall be available for public use and safety facilities at said unit: *Provided further*, That no part of this appropriation shall be available for other than the completion of field engineering, survey work, and preliminary designs of the Southwest Contra Costa County Water District System and no repayment contract shall be executed or construction begun until plans have been submitted to and approved by the Congress through its legislative and appropriation procedures, after submission of a report to the Congress by the Secretary of the Interior (1) on the cost and feasibility of said project, including the necessary distribution system and (2) on the rates required to be charged to the ultimate consumers: *Provided further*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That no part of this or prior appropriations shall be used for construction, nor for further commitments to construction of Moorhead Dam and Reservoir, Montana, or any feature thereof until a definite plan report thereon has been completed, reviewed by the States of Wyoming and Montana, and approved by the Congress.

OPERATION AND MAINTENANCE

58 Stat. 157.

For operation and maintenance of reclamation projects or parts thereof and of other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, \$21,500,000, of which \$18,257,222 shall be derived from the reclamation fund and \$1,942,778 shall be derived from the Colorado River dam fund, including (notwithstanding the provisions of the First Deficiency Appropriation Act, 1944, relating thereto) operation and maintenance of Palo Verde Weir: *Provided*, That funds advanced for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and the unexpended balances of such advances shall be credited to the appropriation for the next succeeding fiscal year.

GENERAL ADMINISTRATIVE EXPENSES

59 Stat. 54.

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, \$4,000,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U. S. C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the emergency fund as authorized by the Act of June 26, 1948 (43 U. S. C. 502), \$200,000, to be derived from the reclamation fund, special fund, and to remain available until expended for the purposes specified in said Act.

62 Stat. 1052.

SPECIAL FUNDS

Sums herein referred to as being derived from the reclamation fund, the Colorado River dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U. S. C. 391), the Act of December 21, 1928 (43 U. S. C. 617a), and the Act of July 19, 1940 (43 U. S. C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

32 Stat. 388.

45 Stat. 1057.

54 Stat. 774.

ADMINISTRATIVE PROVISIONS

Appropriations to the Bureau of Reclamation shall be available for purchase of one aircraft; payment of claims for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expense of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiation and administration of interstate compacts without reimbursement or return under the reclamation laws; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U. S. C. 461-467): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U. S. C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

58 Stat. 486.

49 Stat. 666.

59 Stat. 54.

Allotments to the Missouri River Basin project from the appropriation under the head "Construction and Rehabilitation" shall be available additionally for said project for those functions of the Bureau of Reclamation provided for under the head "General Investigations" (but this authorization shall not preclude use of the appropriation under said head within that area), and for the continuation of investigations by agencies of the Department on a general plan for the development of the Missouri River Basin. Such allotments may be expended through or in cooperation with State and other Federal agencies, and advances to such agencies are hereby authorized.

Missouri River
Basin project.

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

Restrictions.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U. S. C. 665).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefit of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual, when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

Not to exceed \$225,000 may be expended from the appropriation "Construction and Rehabilitation" for work by force account on any one project or Missouri Basin unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and Rehabilitation" contained in this Act shall be available for construction work by force account.

GEOLOGICAL SURVEY**SURVEYS, INVESTIGATIONS, AND RESEARCH**

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions; classify lands as to mineral character and water and power resources; give engineering supervision to power permits and Federal Power Commission licenses; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; and publish and disseminate data relative to the foregoing activities; \$25,735,000 of which \$3,800,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

Plans for buildings, Washington, D. C.
67 Stat. 269.

Not to exceed \$75,000 of the unexpended balance of the funds appropriated under this heading in the Interior Department Appropriation Act, 1954, is hereby continued available until expended for preparation of plans and specifications for a building or buildings to meet the special needs of the Geological Survey in the metropolitan area of Washington, D. C.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for reimbursement of the General Services Administration for security guard service for protection of confidential files; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gaging stations; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed,

as authorized by law, to represent the United States in the negotiation and administration of interstate compacts, including not to exceed \$10,000 for the person appointed by the President to participate as the representative of the United States in the administration of the compact consented to by the Act of May 31, 1949 (Public Law 82): *Provided*, That notwithstanding the provisions of any other law, the President is authorized to appoint a retired officer as such representative, without prejudice to his status as a retired Army officer, and he shall receive such compensation and expenses in addition to his retired pay.

Arkansas River
compact.

63 Stat. 145.

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For expenses necessary for promoting the conservation, exploration, development, production, and utilization of mineral resources, including fuels, in the United States, its Territories, and possessions; developing synthetics and substitutes; producing and distributing helium; and controlling fires in inactive coal deposits on public lands, and on private lands, with the consent of the owner; \$13,500,000: *Provided*, That the Secretary is hereby authorized and directed to make suitable arrangements with owners of private property or with a State or its subdivisions for payment of a sum equal to not less than one-half the amount of expenditure to be made for control or extinguishment of fires in inactive coal deposits from funds provided under the authorization of this Act except that expenditure of Federal funds for this purpose in any privately owned operating coal mine shall be limited to investigation and supervision.

HEALTH AND SAFETY

For expenses necessary for promotion of health and safety in mines and in the minerals industries, as authorized by law, \$5,000,000.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Mines, including such expenses in the regional offices, \$1,000,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Mines may be expended for providing transportation services in isolated areas for employees, student dependents of employees, and other pupils, and such activities may be financed under cooperative arrangements; temporary and emergency contracts for personal services and employment of persons without regard to civil-service regulations as required in the conduct of programs for the control of fires in inactive coal deposits and flood prevention in anthracite mines; purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the sums made available for the current fiscal year to the Departments of the Army, Navy, and Air Force for the acquisition of helium from the Bureau of Mines shall be transferred to the Bureau of Mines, and said sums, together with all other payments to the Bureau of Mines for helium, shall be credited to the special helium production fund, established pursuant to the Act of March 3, 1925, as amended (50 U. S. C. 164 (c)): *Provided further*, That the Bureau of Mines is authorized, during the

43 Stat. 1111.

current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For expenses necessary for the management and protection of the areas and facilities administered by the National Park Service, including protection of lands in process of condemnation; and for plans, investigations, and studies of the recreational resources (exclusive of preparation of detail plans and working drawings) and archaeological values in river basins of the United States (except the Missouri River Basin); \$9,098,390.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For expenses necessary for the operation, maintenance, and rehabilitation of roads (including furnishing special road maintenance service to defense trucking permittees on a reimbursable basis), trails, buildings, utilities, and other physical facilities essential to the operation of areas administered pursuant to law by the National Park Service, \$8,425,000.

CONSTRUCTION

37 Stat. 460.

For construction and improvement, without regard to the Act of August 24, 1912, as amended (16 U. S. C. 451), of roads, trails, parkways, buildings, utilities, and other physical facilities; and the acquisition of lands, interests therein, improvements, and water rights; to remain available until expended, \$8,056,099.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the National Park Service, including such expenses in the regional offices, \$1,084,000.

ADMINISTRATIVE PROVISIONS

16 USC 1b.

Appropriations for the National Park Service shall be available for cleaning and repair of uniforms for National Capital Parks police and guards; and the objects and purposes specified in the Act of August 8, 1953 (67 Stat. 495, 496).

FISH AND WILDLIFE SERVICE

MANAGEMENT OF RESOURCES

62 Stat. 238.

For expenses necessary for conservation, management, protection, and utilization of fish and wildlife resources, and for the performance of other authorized functions related to such resources; operation of the industrial properties within the Crab Orchard National Wildlife Refuge (61 Stat. 770); maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; purchase or rent of land, and functions related to wildlife management in California (16 U. S. C. 695-695c); leasing and management of lands for the protection of the Florida Key deer; and not to exceed \$30,000 for pay-

ment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Fish and Wildlife Service; \$6,301,000; and in addition, there are appropriated amounts equal to 25 per centum of the proceeds covered into the Treasury during the next preceding fiscal year from the sale of sealskins and other products, to remain available for expenditure during the current and next succeeding fiscal years for management and investigation of fish and wildlife resources of Alaska, including construction.

INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies and investigations respecting conservation, management, protection, and utilization of fish and wildlife resources, including related aquatic plants and products; collection, compilation, and publication of information concerning such studies and investigations; and the performance of other functions related thereto; as authorized by law; \$4,127,000, of which not to exceed \$350,000 shall be available for the lamprey eel program.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, protection, and utilization of fish and wildlife resources and the acquisition of lands and interests therein; to remain available until expended, \$300,000.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Fish and Wildlife Service, including such expenses in the regional offices, \$725,000.

ADMINISTRATION OF PRIBILOF ISLANDS

For carrying out the provisions of the Act of February 26, 1944, as amended (16 U. S. C. 631a-631q), there are appropriated amounts equal to 60 per centum of the proceeds covered into the Treasury during the next preceding fiscal year from the sale of sealskins and other products, to remain available for expenditure during the current and next succeeding fiscal years.

58 Stat. 100.

ADMINISTRATIVE PROVISIONS

Appropriations for the Fish and Wildlife Service shall be available for purchase of not to exceed five aircraft, for replacement only; publication and distribution of bulletins as authorized by law (7 U. S. C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$3 per man per day; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purposes; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

34 Stat. 690.

OFFICE OF TERRITORIES

ADMINISTRATION OF TERRITORIES

31 Stat. 321; 153;
64 Stat. 386; 45
Stat. 1253.
49 Stat. 1807.

37 Stat. 516; 31
Stat. 146; 64 Stat.
391.
45 Stat. 1253.
56 Stat. 782.

Purchases.

Aircraft and sur-
face vessels.

For expenses necessary for the administration of Territories and for the departmental administration of the Trust Territory of the Pacific Islands, under the jurisdiction of the Department of the Interior, including expenses of the offices of the Governors of Alaska, Hawaii, Guam, American Samoa, as authorized by law (48 U. S. C., secs. 61, 531, 1422, 1431a (c)); expenses of the Government of the Virgin Islands as authorized by law (48 U. S. C. 1405); compensation and mileage of members of the legislatures in Alaska, Hawaii, Guam, and American Samoa as authorized by law (48 U. S. C., secs. 87, 599, 1421d (e), and 1431a (c)); compensation and expenses of the judiciary in American Samoa as authorized by law (48 U. S. C. 1431a (c)); care of insane as authorized by law for Alaska (48 U. S. C. 46-50); grants to the Virgin Islands and American Samoa, in addition to current local revenues, for support of governmental functions; and personal services, household equipment and furnishings, and utilities necessary in the operation of the several Governors' houses; \$3,400,000: *Provided*, That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

TRUST TERRITORY OF THE PACIFIC ISLANDS

61 Stat. 397.
48 USC 1435
note.

31 USC 1.
64 Stat. 834.
31 USC 65 note.

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by Public Law 204, Eightieth Congress, including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; \$5,000,000: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 34): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the Administration of the Trust Territory of the Pacific Islands, may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6 (2) of the Trusteeship Agreement approved by Public Law 204, Eightieth Congress.

ALASKA PUBLIC WORKS

63 Stat. 627.
48 USC 486 note.

For an additional amount for expenses necessary for carrying out the provisions of the Act of August 24, 1949 (Public Law 264), to remain available until June 30, 1955, \$9,500,000, of which not to exceed \$570,000 shall be available for administrative expenses.

CONSTRUCTION OF ROADS, ALASKA

For construction of roads, tramways, buildings, ferries, bridges, and trails, including surveys and plans for new road construction; and acquisition of lands or interests in lands by purchase, donation, condemnation, or otherwise; \$8,000,000, to remain available until expended.

OPERATION AND MAINTENANCE OF ROADS, ALASKA

For operation and maintenance of roads, tramways, buildings, ferries, bridges, and trails, \$3,500,000.

ADMINISTRATIVE PROVISIONS

The total of the amounts herein appropriated for construction, operation and maintenance of roads in Alaska shall be available in one fund, except that the appropriation herein made for operation and maintenance shall be available only for the service of the current fiscal year.

Not to exceed 17½ per centum of the amount herein appropriated for construction of roads in Alaska shall be available for construction work by force account, or on a hired-labor basis.

Limitation.

CONSTRUCTION, ALASKA RAILROAD

For the authorized work of the Alaska Railroad, including improvements and new construction, to remain available until expended, \$2,900,000: *Provided*, That funds appropriated under this head may be transferred to the Alaska Railroad Revolving Fund for purposes of accounting and administration.

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by section 42 of the Act of September 7, 1916 (5 U. S. C. 793), to be reimbursed as therein provided: *Provided*, That no one other than the general manager of said railroad, and one assistant general manager at not to exceed \$13,000 per annum, shall be paid an annual salary out of said fund of more than \$11,000.

39 Stat. 750.
Salary limita-
tions.

ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior (referred to herein as the Secretary), including teletype rentals and service, \$2,330,000.

GENERAL PROVISIONS

SEC. 101. Notwithstanding any provision of law to the contrary, aliens may be employed during the current fiscal year in the field service of the Department for periods of not more than thirty days in cases of emergency caused by fire, flood, storm, act of God, or sabotage.

Employment of
aliens.

Attendance at meetings.

SEC. 102. Appropriations in this Act available for travel expenses shall be available, for expenses of attendance of officers and employees at meetings or conventions of members of societies or associations concerned with the work of the bureau or office for which the appropriation concerned is made.

Emergency reconstruction.

SEC. 103. Appropriations made in this Act shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement or repair of buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Emergency prevention of fires.

SEC. 104. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this Act, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior: *Provided*, That appropriations made in this Act for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year.

Operation of warehouses, etc.

SEC. 105. Appropriations made in this Act shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U. S. C. 686): *Provided*, That reimbursements for cost of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

47 Stat. 417.

Reimbursements.

SEC. 106. Appropriations made in this Act shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), when authorized by the Secretary, at rates not to exceed \$100 per diem for individuals, and in total amount not to exceed \$250,000; maintenance and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

60 Stat. 810.

Passenger motor vehicles.

SEC. 107. Funds appropriated in this title shall be available for the purchase of not to exceed two hundred and twenty-seven passenger motor vehicles (including one at not to exceed \$2,750) of which two hundred shall be for replacement only; and the Secretary is authorized to make such transfers of motor vehicles, between bureaus and offices, without transfer of funds, as may be required in carrying out the operations of the Department.

Personal services.

SEC. 108. (a) Not to exceed \$200,000 of the funds appropriated in this title shall be available to pay the compensation of all persons the budget estimates for personal services heretofore submitted to the Congress for the fiscal year 1955 contemplated would be employed by such department, agency, or corporation during such fiscal year in the performance of—

(1) function performed by a person designated as an information specialist, information and editorial specialist, publications and information coordinator, press relations officer or counsel, photographer, radio expert, television expert, motion picture expert, or publicity expert, or designated by any similar title, or

(2) functions performed by persons who assist persons performing the functions described in (1) in drafting, preparing, editing, typing, duplicating or disseminating public information, publications or releases, radio or television scripts, magazine articles, photographs, motion picture and similar material, shall be available to pay the compensation of persons performing the functions described in (1) or (2).

(b) This section shall not apply to the preparation for publication of reports and maps resulting from authorized scientific and engineering investigations and surveys, to photography incident to the compilation and reproduction of maps and reports, or publications of the National Park Service, or to photocopying of permanent records for preservation.

TITLE II—VIRGIN ISLANDS CORPORATION

GRANTS

For payment to the Virgin Islands Corporation in the form of grants as authorized by law, \$510,000.

ADMINISTRATIVE EXPENSES

During the current fiscal year the Virgin Islands Corporation is hereby authorized to make such expenditures, within the limits of funds available to it and in accord with law, and to make such contracts and commitments without regard to fiscal-year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its programs as set forth in the budget for the fiscal year 1955: *Provided*, That not to exceed \$130,000 shall be available for administrative expenses (to be computed on an accrual basis) of the Corporation, covering the categories set forth in the 1955 Budget estimates for such expenses.

61 Stat. 584.
31 USC 849.

TITLE III—FEDERAL COAL MINE SAFETY BOARD OF REVIEW

Salaries and expenses: For necessary expenses of the Federal Coal Mine Safety Board of Review, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$75,000.

60 Stat. 810.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation included in this Act, shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or

Strikes or overthrow of Government.

Affidavit.

Penalty.	violence: <i>Provided further</i> , That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence, and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: <i>Provided further</i> , That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law: <i>Provided further</i> , That in cases of emergency, caused by fire, flood, storm, act of God, or sabotage, persons may be employed for periods of not more than thirty days and be paid salaries and wages without the necessity of inquiring into their membership in any organization.
Exception.	

TITLE V—REDUCTIONS IN APPROPRIATIONS

Amounts available to the Department of the Interior from appropriations are hereby reduced in the sums hereinafter set forth, such sums to be carried to the surplus fund and covered into the Treasury immediately upon the approval of this Act:

BUREAU OF RECLAMATION

Short title.	Construction and Rehabilitation: Missouri Basin Project, Missouri Diversion Unit, \$1,700,000. This Act may be cited as the "Interior Department Appropriation Act, 1955". Approved July 1, 1954.
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Public Law 466

CHAPTER 447

AN ACT

July 1, 1954 [S. 2802]	To further encourage the distribution of fishery products, and for other purposes.
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Fishery products. Distribution.	<i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled</i> , That section 2 of the Act of August 11, 1939 (53 Stat. 1411), is hereby amended to read as follows:
Transfer of funds.	"SEC. 2. (a) The Secretary of Agriculture shall transfer to the Secretary of the Interior each fiscal year, beginning with the fiscal year commencing July 1, 1954, and ending on June 30, 1957, from moneys made available to carry out the provisions of section 32 of such Act of August 24, 1935, an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws on fishery products (including fish, shellfish, mollusks, crustacea, aquatic plants and animals, and any products thereof, including processed and manufactured products), which shall be maintained in a separate fund and used by the Secretary of the Interior (1) to promote the free flow of domestically produced fishery products in commerce by conducting a fishery educational service and fishery technological, biological and related research programs, the moneys so transferred to be also available for the purchase or other acquisition, construction, equipment, operation, and maintenance of vessels or other facilities necessary for conducting research as provided for in this section, and (2) to develop
49 Stat. 774. 7 USC 612c.	
Use.	

and increase markets for fishery products of domestic origin and (3) to conduct any biological, technological, or other research pertaining to American fisheries.

“(b) For the purposes of this section, any agency of the United States, or any corporation wholly owned by the United States, is authorized to transfer, without reimbursement or transfer of funds, any vessels or equipment excess to its needs required by the Secretary of the Interior for the activities, studies, and research authorized herein.

Transfer of excess vessels, etc.

“(c) In carrying out the purposes and objectives of this section, the Secretary of the Interior is directed as far as practicable to cooperate with other appropriate agencies of the Federal Government, with State or local governmental agencies, private agencies, organizations, or individuals, having jurisdiction over or an interest in fish or fishery commodities and he is authorized to appoint an advisory committee of the American fisheries industry to advise him in the formulation of policy, rules and regulations pertaining to requests for assistance, and other matters.

Agency cooperation, etc.

Advisory committee.

“(d) The Secretary of the Interior is further authorized to retransfer any of the funds not to exceed \$1,500,000 to be made available under this section to the Secretary of Agriculture to be used for the purposes specified in section 1 of this Act, and only such funds as are thus transferred shall be used for the purposes specified in section 1 of this Act with respect to domestically produced fishery products.

Retransfer of funds.

“(e) The separate fund created for the use of the Secretary of the Interior under section 2 (a) of this Act and the annual accruals thereto shall be available until expended, except (1) that not more than \$3,000,000 be spent in any fiscal year and (2) that the balance of the fund shall not exceed \$5,000,000 at the end of any fiscal year, and the Secretary of the Interior shall retransfer the funds in excess of said \$5,000,000 balance to the Secretary of Agriculture to be used for the purposes specified in section 32 of the Act of 1935 (49 Stat. 774; 7 U. S. C. 612c), as amended.

Availability of funds.

“(f) The Secretary of the Interior shall make a report to the appropriate committees of Congress annually on the use of the separate fund created under section 2 of this Act.”

Report.

Approved July 1, 1954.

Public Law 467

CHAPTER 448

AN ACT

To restore eligibility of certain citizens or subjects of Germany or Japan to receive benefits under veterans' laws.

July 1, 1954
[H. R. 8488]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who, but for the last proviso of the Act entitled “An Act to provide for the payment of pension or other benefits withheld from persons for the period they were residing in countries occupied by enemy forces in World War II”, approved August 7, 1946 (Public Law 622, Seventy-ninth Congress), would be entitled to compensation or pension benefits payable under laws administered by the Veterans' Administration shall be entitled to such benefits from the date of enactment of this Act, if claim therefor is filed within one year after such date, or from the date of claim, if claim therefor is filed more than one year after such date.

German and Japanese citizens.
VA benefits.

60 Stat. 874.
38 USC 729a.

Approved July 1, 1954.

Public Law 468

CHAPTER 449

AN ACT

July 1, 1954
[H. R. 9517]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1955, and for other purposes.

FEDERAL PAYMENT TO DISTRICT OF COLUMBIA

District of Co-
lumbia Appropria-
tion Act, 1955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are appropriated for the District of Columbia for the fiscal year ending June 30, 1955, out of (1) the general fund of the District of Columbia (unless otherwise herein specifically provided), hereinafter known as the general fund, such fund being composed of the revenues of the District of Columbia other than those applied by law to special funds, and \$20,000,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1954, and of which \$7,000,000 shall be available for capital outlay only), (2) the highway fund (when designated as payable therefrom), established by law (D. C. Code, title 47, ch. 19), (3) the water fund (when designated as payable therefrom), established by law (D. C. Code, title 43, ch. 15), and \$1,298,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1954), (4) the sanitary sewage works fund (when designated as payable therefrom), established by law (Public Law 364, 83d Congress), and \$592,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1954), and (5) the motor vehicle parking fund (when designated as payable therefrom), established by law (D. C. Code, title 40, ch. 8), sums as follows:

Ante, p. 104.

OPERATING EXPENSES

For expenses necessary for the offices and agencies named under this general head:

EXECUTIVE OFFICE

Executive office, plus so much as may be necessary to compensate the Engineer Commissioner at a rate equal to each civilian member of the Board of Commissioners of the District of Columbia, hereafter in this Act referred to as the Commissioners; compensation and expenses of members of the Apprenticeship Council and the Redevelopment Land Agency; aid in support of the National Conference of Commissioners on Uniform State Laws; general advertising in newspapers (including the District of Columbia Register) and legal periodicals in the District of Columbia but not elsewhere, unless the need for advertising outside the District of Columbia shall have been specifically approved by the Commissioners, including notices of public hearings, publication of orders and regulations, tax and school notices, and notices of changes in regulations; expenses of Youth Council; ceremony expenses; development of a comprehensive program for slum clearance, by contract or otherwise, as may be determined by the Commissioners; and expenses in case of emergency, such as riot, pestilence, public insanitary conditions, flood, fire, or storm, and for expenses of investigations; \$307,565, of which \$25,000 shall be available for expenditure by the American Legion 1954 Convention Corporation in connection with the 1954 National Convention of the American Legion, subject to reimbursement from the American Legion if receipts exceed expenses: *Provided*, That the certificate of the Com-

missioners shall be sufficient voucher for the expenditure of \$1,500 of this appropriation for such purposes, exclusive of ceremony expenses, as they may deem necessary.

DEPARTMENT OF GENERAL ADMINISTRATION

Department of General Administration, including the rental of postage meters and affiliation with the National Safety Council, Incorporated, \$2,945,522, of which \$60,000 shall be payable from the highway fund, \$15,000 from the water fund, and \$800 from the motor vehicle parking fund: *Provided*, That this appropriation shall be available for advertising, for not more than once a week for two weeks in the regular issue of one newspaper published in the District of Columbia, the list of all taxes on real property and all special assessments, together with penalties and costs, in arrears, the cost of such advertising to be reimbursed to the general fund by a charge to be fixed annually by the Commissioners for each lot or piece of property advertised: *Provided further*, That this appropriation shall be available for refunding, wholly or in part, school tuition, lost library books, building permits, and other payments which have been erroneously made during the present and past three years.

OFFICE OF CORPORATION COUNSEL

Office of the Corporation Counsel, including extra compensation for the corporation counsel as general counsel of the Public Utilities Commission; \$10,000 for the settlement of claims not in excess of \$250 each in accordance with the Act of February 11, 1929 (45 Stat. 1160), as amended by the Act of June 5, 1930 (46 Stat. 500); and judicial expenses, including witness fees and expert services, in District of Columbia cases before the courts of the United States and of the District of Columbia; \$428,585, of which \$12,000 shall be payable from the highway fund.

D. C. Code 1-902.

COMPENSATION AND RETIREMENT FUND EXPENSES

Compensation and retirement fund expenses, including District government employees' compensation; administrative expenses, workmen's compensation, to be transferred to the Bureau of Employees' Compensation for administration of the law providing compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia; financing the liability of the government of the District of Columbia to the "Civil service retirement and disability fund" and the "Teachers' retirement and annuity fund"; and relief and other allowances as authorized by law for policemen and firemen; \$10,207,000, of which \$2,532,000 shall be placed to the credit of the "Civil service retirement and disability fund".

REGULATORY AGENCIES

Regulatory agencies, including juror fees, repairs to the morgue, and uniforms and caps for guards, \$918,204.

DEPARTMENT OF OCCUPATIONS AND PROFESSIONS

Department of Occupations and Professions, including compensation at rates to be fixed by the Commissioners of three members of the Board of Accountancy, five members of the Board of Examiners and Registrars of Architects, two members of the Board of Barber Examiners, three members of the Board of Cosmetology, five mem-

bers of the Board of Dental Examiners, five members of the Board of Examiners in the Basic Sciences, five members of the Board of Examiners in Medicine and Osteopathy, five members of the Board of Registration of Professional Engineers, five members of the Nurses' Examining Board, five members of the Board of Optometry, five members of the Board of Pharmacy, three members of the Board of Podiatry Examiners, two members of the Real Estate Commission, five members of the Board of Examiners of Veterinary Medicine, two members of the District Boxing Commission, four members of the Electrical Examining Board, two members of the Plumbing Board, two members of the Board of Examiners of Steam and Other Operating Engineers, one member of the Motion Picture Operators' Examining Board, and five members of the Undertakers' Examining Committee, \$264,000.

PUBLIC SCHOOLS

10 USC 914 a
note.

60 Stat. 810.

Double salaries.
39 Stat. 120.
5 USC 58, 59.

Public schools, for the administration of and supervision and instruction in the public school system of the District of Columbia, including the education of foreigners of all ages in the Americanization schools; not to exceed \$65,000 for the purchase, cleaning, and repair of athletic apparel and accessories; subsistence supplies for pupils enrolled in classes for crippled children; maintenance and instruction of deaf, dumb and blind children of the District of Columbia by contract entered into by the Commissioners upon recommendation by the Board of Education of the District of Columbia; transportation of children attending schools or classes established for physically handicapped pupils; for carrying out the provisions of the Act of December 16, 1944 (58 Stat. 811); distribution of surplus commodities and relief milk to public and charitable institutions, and for the carrying out, under regulations to be prescribed by the Board of Education, of a "penny milk" program for the schoolchildren of the District, including the purchase and distribution of milk under agreement with the United States Department of Agriculture; \$300,950 for development of vocational education in the District of Columbia in accordance with the Act of June 8, 1936, as amended; operation, repair, maintenance and improvement of public school buildings, grounds and equipment; purchase of equipment including not to the exceed \$25,000 for the purchase and repair of musical instruments and related equipment and supplies; and purchase, operation, repair, maintenance and insurance of passenger-carrying motor vehicles, including District-owned or borrowed passenger motor vehicles; \$27,626,570, of which \$3,000 shall be available for the services of experts and consultants as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates not exceeding \$50 per diem plus travel expenses for such individuals: *Provided*, That the compensation for summer school personnel may be charged to the appropriation for the fiscal year in which the pay periods end: *Provided further*, That collections from the milk program shall be paid to the Collector of Taxes, District of Columbia, for deposit in the Treasury of the United States to the credit of the District.

Section 6 of the Legislative, Executive, and Judicial Appropriation Act, approved May 10, 1916, as amended, shall not apply from July 1 to August 28, 1954, to teachers of the public schools of the District of Columbia when employed by any of the executive departments or independent establishments of the United States Government.

PUBLIC LIBRARY

Public Library, including extra services on Sundays and holidays; music records, sound recordings, and educational films; alterations, repairs; fitting up buildings; care of grounds; and rent of suitable quarters for branch libraries in Anacostia and Woodridge without reference to section 6 of the District of Columbia Appropriation Act, 1945, \$1,611,000.

58 Stat. 532.
D. C. Code 1-243.

RECREATION DEPARTMENT

Recreation Department, for operation and maintenance of recreation facilities in and for the District of Columbia, \$1,641,000.

METROPOLITAN POLICE

Metropolitan Police, including pay and allowances; the inspector in charge of the traffic division with the rank and pay of deputy chief; one captain who shall be assigned to the traffic division with the rank and pay of inspector; one inspector who shall be property clerk; the lieutenants in command of the homicide squad, robbery squad, general assignment squad, special investigation squad, with the rank and pay of captain while so assigned; the detective sergeants in command of the automobile and bicycle squad, and the check and fraud squad with the rank and pay of lieutenant while so assigned; the detective sergeant assigned as administrative assistant to the chief of detectives with the rank and pay of lieutenant while so assigned; the present acting sergeant in charge of police automobiles with the rank and pay of sergeant; the present sergeant in charge of the police radio station with the rank and pay of lieutenant; the present sergeant in charge of purchasing and accounts with the rank and pay of lieutenant; the lieutenant in charge of the Metropolitan Police Boys' Club with the rank and pay of captain; the lieutenant assigned as harbor master with the rank and pay of captain; not to exceed one detective in the salary grade of captain; civilian crossing guards including uniforms and equipment, at rates of pay and hours of employment to be fixed by the Commissioners; compensation of civilian trial board members at rates to be fixed by the Commissioners; allowances for privately owned automobiles used by deputy chiefs and inspectors in the performance of official duties at \$480 per annum for each automobile; meals for prisoners; rewards for fugitives; medals of award; photographs, rental, purchase, and maintenance of radio and teletype systems; travel expenses incurred in prevention and detection of crime; expenses of attendance, without loss of pay or time, at specialized police training classes and pistol matches, including tuition and entrance fees; expenses of the police training school, including travel expenses of visiting lecturers or experts in criminology; expenses of traffic school; police equipment and repairs to same; insignia of office, uniforms, and other official equipment, including cleaning, alteration, and repair of articles transferred from one individual to another, or damaged in the performance of duty; purchase of passenger motor vehicles; expenses of harbor patrol; and the maintenance of a suitable place for the reception and detention of girls and women over seventeen years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise; \$12,757,520, of which amount \$1,675,000 shall be payable from the highway fund and \$49,440 from the motor vehicle parking fund, and \$35,000 shall be exclusively available for expenditure by the Chief of Police for prevention and detection of crime, under his certificate, approved by the Commissioners and every such certificate shall be

American Legion
Convention.
Overtime, etc.

deemed a sufficient voucher for the sum therein expressed to have been expended.

Metropolitan Police (additional municipal services, American Legion Convention), to enable the Commissioners of the District of Columbia to provide additional municipal services in said District from August 25 to September 7, 1954, both inclusive, including the employment of personal services, payment of allowances, payment at basic salary rates for services performed by members of the uniformed force in excess of eight hours per day (but not to exceed a total of twelve hours overtime pay to any individual member performing service within such period), traveling expenses, hire of means of transportation, cost of removing and relocating streetcar-loading platforms; and for the construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths, during the period aforesaid, and other incidental expenses in the discretion of the Commissioners; \$80,000.

FIRE DEPARTMENT

Fire Department, including pay and allowances; compensation of civilian trial board members at rates to be fixed by the Commissioners; uniforms and other official equipment, including cleaning, alteration, and repair of articles transferred from one individual to another or damaged in the performance of duty; purchase and maintenance of radio equipment; purchase of passenger motor vehicles; repairs and improvements to buildings and grounds; \$6,266,641: *Provided*, That the Commissioners in their discretion may authorize the construction, in whole or in part, of fire-fighting apparatus in the Fire Department repair shop.

VETERANS' SERVICES

Veterans' services, \$93,000.

OFFICE OF CIVIL DEFENSE

Office of Civil Defense, including personal services without reference to the civil service laws as related to recruitment, purchase of passenger motor vehicles, and a shelter survey by contract or otherwise, as may be determined by the Commissioners, \$150,000: *Provided*, That not to exceed \$50,000 of any funds from appropriations available to the District of Columbia may be used to match financial contributions from the Federal Civil Defense Administration to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Federal Civil Defense Administration, when authorized by the Commissioners.

COURTS

Courts, including the Juvenile Court, the Municipal Court, the Municipal Court of Appeals, and the District of Columbia Tax Court, including pay of retired judges; lodging and meals for jurors, bailiffs, and deputy United States marshals while in attendance upon jurors, when ordered by the courts; meals for prisoners; and reimbursement to the United States for services rendered to the District of Columbia by the Judiciary, General Services Administration, and the Department of Justice; \$3,163,410, of which \$20,000 shall be available for payment to the United States Public Health Service for furnishing psychiatric service to the Juvenile Court, including the detail of necessary medical and other personnel, and \$230,000 shall be available for advances on reimbursement to the General Services Administration

for one-half of the cost of operation, maintenance, and repair of the Federal Courts Building, as provided in the Act of May 14, 1948 (62 Stat. 235): *Provided*, That deposits made on demands for jury trials in accordance with rules prescribed by the Municipal Court under authority granted in section 11 of the Act approved March 3, 1921 (41 Stat. 1312), shall be earned unless, prior to three days before the time set for such trials, including Sundays and legal holidays, a new date for trial be set by the court, cases be discontinued or settled, or demands for jury trials be waived.

D. C. Code 11-
105.

D. C. Code 11-
722.

DEPARTMENT OF PUBLIC HEALTH

Department of Public Health, including services for tuberculosis, venereal disease, hygiene and sanitation work in schools, dental health, maternal and child health, housekeeping assistance in cases of authentic indigent sick, handicapped and crippled children, cancer control, control of heart disease, public health engineering, nursing, psychiatry, ambulances, laboratories, out-patient relief of the poor, medical and surgical supplies, artificial limbs and appliances, eyeglasses, fees to physicians under contracts to be made by the Director of Public Health and approved by the Commissioners, contract investigational service, uniforms, rent, manufacture of serum in indigent cases, allowances for privately owned automobiles used for the performance of official duties by dairy-farm inspectors at the rate of 7 cents per mile but not more than \$840 per annum for each automobile, subsistence in lieu of salary for the full-time employment of persons for the purpose of securing training and experience in their future vocations; not to exceed \$1,000 for attendance without loss of pay or time at specialized medical or public health training courses or institutes, tuition and entrance fees, and travel expenses and fees for visiting lecturers or experts in public health and related fields; operation of hospitals, compensation of consulting physicians and dentists at rates to be fixed by the Commissioners, compensation of convalescent patients to be employed in essential work and as an aid to their rehabilitation at rates and under conditions to be determined by the Commissioners (but nothing in this paragraph shall be construed as conferring employee status on patients whose services are so utilized), classroom supplies, uniforms for guards, training school for nurses, repairs and improvements to buildings and grounds, support of indigent insane, deportation of nonresident insane persons (including persons held in the psychopathic ward of the District of Columbia General Hospital), reimbursement to the United States for services rendered to the District of Columbia by Freedmen's Hospital, and for care and treatment of indigent patients under contracts to be made by the Director of Public Health of the District of Columbia and approved by the Commissioners with Central Dispensary and Emergency Hospital, Children's Hospital, Eastern Dispensary and Casualty Hospital, Episcopal Eye, Ear and Throat Hospital, Garfield Memorial Hospital, George Washington University Hospital, Georgetown University Hospital, Providence Hospital, Washington Home for Incurables, and Children's Convalescent Home, \$22,636,000: *Provided*, That the in-patient rate under such contracts and for services rendered by Freedmen's Hospital shall not exceed \$14 per diem and the out-patient rate shall not exceed \$2.40 per visit: *Provided further*, That amounts to be determined by the Commissioners may be expended for special services in detecting adulteration of drugs and foods, including candy and milk and other products and services subject to inspection by the Department of Public Health: *Provided further*, That employees using privately owned automobiles for the deportation of nonresident insane may be

5 USC 835 note. reimbursed as authorized by the Act of June 9, 1949 (63 Stat. 166), but not to exceed \$900 for any one individual.

DEPARTMENT OF CORRECTIONS

Department of Corrections, including subsistence of interns; compensation of consulting physicians, dentists, and other specialists at rates to be fixed by the Commissioners; attendance of guards at pistol and rifle matches; uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; rental of motion picture films; repairs and improvements to buildings and grounds; purchase of motorbusses; support, maintenance, and transportation of prisoners transferred from the District of Columbia; interment or transporting the remains of deceased prisoners to their relatives or friends in the United States; electrocutions; identifying, pursuing, recapturing (including rewards therefor), and returning to institutions, escaped inmates and parole and conditional-release violators; and returning released prisoners to their residences, or to such other place within the United States as may be authorized by the Director, and the furnishing of suitable clothing, and in the discretion of the Director, an amount of money not to exceed \$30, regardless of length of sentence; \$4,374,674.

PUBLIC WELFARE

Department of Public Welfare, including the general administration of public welfare in the District of Columbia, contract investigational services, certification of persons eligible for any public benefits which are or may become available under rules and regulations prescribed by the Commissioners, or their designated agent, relief and rehabilitation for purposes of employment of indigent residents of the District of Columbia (to be expended under rules and regulations prescribed by the Commissioners or their designated agent or agency), vocational rehabilitation of disabled residents, aid to dependent children, assistance against old-age want, aid for needy blind persons, services for children in their own homes, maintenance pending transportation, and transportation of indigent persons (including veterans and their families), burial of indigent residents of the District of Columbia, placing and visiting children, board and care of children committed to the guardianship of the Department of Public Welfare by the courts of the District and children accepted by said Department of Public Welfare for care as authorized by law, temporary care of children pending investigation or while being transferred from place to place, with authority to pay for the care of children in institutions under sectarian control, continuous maintenance of foster homes for temporary or emergency board and care of nondelinquent children, care and maintenance of women and children under contracts to be made by the Commissioners or their duly authorized agent with the Florence Crittenton Home, Saint Ann's Infant Asylum and Maternity Hospital, the House of Mercy, and other institutions caring for unmarried mothers, burial of children dying while beneficiaries under this appropriation, operation of protective institutions, repairs and improvements to buildings and grounds, purchase of passenger, truck and bus motor vehicles, maintenance of a suitable place in a building entirely separate and apart from the house of detention for the reception and detention of children under eighteen years of age arrested by the police on charge of offense against any laws in force in the District of Columbia or committed to the guardianship of the Department of Public Welfare, or held as witnesses or held temporarily, or pending hearing, or otherwise, and male witnesses eighteen years of age or

over shall be held at the District of Columbia General Hospital, subsistence in lieu of salary for full-time employment of persons for the purpose of securing training and experience in their future vocations, supervision of students performing voluntary services for the purpose of obtaining training and experience in their future vocations, compensation of consulting physicians and veterinarians at rates to be fixed by the Commissioners, securing suitable homes for paroled or discharged children, and care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Commissioners or their designated agent with the Attorney General at a rate of not to exceed the actual cost for each boy committed, \$8,885,061: *Provided*, That when specifically authorized by the Commissioners this appropriation may be used for visiting any ward of the Department of Public Welfare placed outside of the District of Columbia and the States of Virginia and Maryland, and the Department of Public Welfare shall have power to discharge from guardianship any child committed to its care: *Provided further*, That employees using privately owned automobiles for the transportation of indigent persons or the placing of children may be reimbursed as authorized by the Act of June 9, 1949 (63 Stat. 166), but not to exceed \$900 for any one individual: *Provided further*, That hereafter the Industrial Home School for Colored Girls shall be combined with and become a part of the Industrial Home School for Colored Children.

5 USC 835 note.
Consolidation of
schools.

DEPARTMENT OF BUILDINGS AND GROUNDS

Department of Buildings and Grounds, including uniforms and caps for guards and elevator operators and maintenance of public convenience stations, and \$5,000 exclusively for test borings and soil investigations, \$1,675,642, of which \$8,900 shall be payable from the highway fund.

All apportionments of appropriations for the use of the Department of Buildings and Grounds in payment of personal services employed on construction work provided for by said appropriations shall be based on an amount not exceeding 4 per centum of a total of not more than \$2,000,000 of appropriations made for such construction projects and not exceeding $3\frac{3}{4}$ per centum of a total of the appropriations in excess of \$2,000,000, and appropriations specifically made in this Act for the preparation of plans and specifications shall be deducted from any allowances authorized under this paragraph: *Provided*, That reimbursements may be made to this fund from appropriations contained in this Act for services rendered other activities of the District government, without reference to fiscal-year limitations on such appropriations: *Provided further*, That this fund shall be available for advance planning subject to subsequent reimbursement from funds loaned by the Administrator of General Services under the provisions of the Act of October 13, 1949 (63 Stat. 841).

40 USC 451-458.

OFFICE OF SURVEYOR

Office of the Surveyor, \$149,200.

DEPARTMENT OF LICENSES AND INSPECTIONS

Department of Licenses and Inspections, including the enforcement of the Act requiring the erection of fire escapes on certain buildings and the removal of dangerous or unsafe or insanitary buildings; compensation at rates to be fixed by the Commissioners of members of the unsafe structure and excavation board; maintenance and repairs to

markets; purchase of commodities and for personal services in connection with investigation and detection of sales of short weight and measure; purchase of one passenger motor vehicle for replacement only; \$1,378,000.

DEPARTMENT OF HIGHWAYS

Department of Highways, including operation, minor construction, maintenance, and repair of bridges; repairs to streets, avenues, roads, sidewalks, and alleys; reconditioning existing gravel streets and roads; purchase, installation, modification, operation of electric traffic lights, signals, controls, markers, signs, and directional signs; installation and maintenance of parking meters; operation and maintenance of the District's communication systems, including rental, purchase, installation, and maintenance of telephone, telegraph, and radio services; street lighting, including the installation and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia Appropriation Act for the fiscal year 1912 (36 Stat. 1008), and with the provisions of the District of Columbia Appropriation Act for the fiscal year 1913 (37 Stat. 181), and other laws applicable thereto; purchase, propagation, maintenance and planting of trees and shrubs, and maintenance of landscaping of public space along streets; refunding collections erroneously covered into the Treasury to the credit of the highway fund during the present and past three fiscal years; such expenses to include purchase of passenger motor vehicles; \$5,768,600, of which \$3,761,612 shall be payable from the highway fund: *Provided*, That the Commissioners are hereby authorized to purchase and install a municipal asphalt plant including all auxiliary plant equipment to be paid for from this appropriation at a cost not to exceed \$150,000: *Provided further*, That this appropriation shall not be available for refunds authorized by section 10 of the Act of April 23, 1924.

D. C. Code 7-701
to 7-705.

43 Stat. 108.
D. C. Code 47-
1910.

DEPARTMENT OF VEHICLES AND TRAFFIC

Department of Vehicles and Traffic (payable from highway fund), including purchase, installation, and modification of electric traffic signals and controls; purchase of motor-vehicle identification number plates; \$25,000 for traffic safety education without reference to any other law; \$200 for membership in the American Association of Motor Vehicle Administrators; purchase of not to exceed two passenger motor vehicles; expenses of the Motor-Vehicle Parking Agency; and uniforms for motor vehicle inspectors and permit examiners; \$1,238,365, of which \$235,406 shall be payable from the motor-vehicle parking fund and \$9,000 payable from the general fund: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for building, installing, and maintaining streetcar loading platforms and lights of any description employed to distinguish same, except that a permanent type of platform may be constructed from appropriations contained in this Act for street improvements when plans and locations thereof are approved by the Public Utilities Commission and the Director of Vehicles and Traffic and the street-railway company shall after construction maintain, mark, and light the same at its expense: *Provided further*, That the Commissioners are authorized and empowered to pay the purchase price and the cost of installation of new parking meters or devices from fees collected from such new meters or devices, which fees are hereby appropriated for such purpose: *Provided further*, That the Commissioners are authorized and directed to designate, reserve, and properly

mark appropriate and sufficient parking spaces on the streets adjacent to all public buildings in the District for the use of Members of Congress engaged on public business: *Provided further*, That the incumbent on July 1, 1944, of the authorized position of Registrar of Titles and Tags, whose duties shall be as prescribed in the District of Columbia Appropriation Act, 1945, shall hereafter be continued for compensation purposes in grade 9 of the general schedule under the Classification Act of 1949, as amended.

58 Stat. 527.
D. C. Code 40-
603a.

63 Stat. 954.
5 USC 1071 note.

DEPARTMENT OF SANITARY ENGINEERING

Department of Sanitary Engineering, including operation and maintenance of the District of Columbia water distribution system, installing and repairing water meters on services to private residences and business places as may not be required to install meters under existing regulations (said meters to remain the property of the District of Columbia), replacement of old watermains, service pipes, and divide valves, water waste and leakage survey, repair of reservoirs, purchase of passenger motor vehicles, purchase and replacement of uniforms for water meter inspectors, refunding of water rents and other water and sewer service charges erroneously paid in the District of Columbia (to be refunded in the manner prescribed by law for the refunding of erroneously paid taxes and to be available for such refunds of payments made within the present and past three fiscal years), cleaning and repairing sewers and basins, operation and maintenance of the sewage pumping service and sewage-treatment plant, repairs to equipment, machinery, and structures, control and prevention of the spread of mosquitoes in the District of Columbia, contribution of the District of Columbia to the expenses of the Interstate Commission on the Potomac River Basin, collection and disposal of refuse and street cleaning, repair and maintenance of plants, buildings, and grounds, and fencing of public and private property designated by the Commissioners as public dumps, \$9,732,740, of which \$99,000 shall be payable from the highway fund for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters, in the discretion of the Commissioners, \$2,578,303 shall be payable from the water fund, and \$1,250,686 shall be payable from the sanitary sewage works fund: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses of four or more apartments having a central heating system, or from any building or connected group of buildings operated as a rooming, boarding, or lodging house having a total of more than twenty-five rooms.

WASHINGTON AQUEDUCT

Washington Aqueduct (payable from the water fund), for the operation, maintenance, repair, and protection of Washington water supply facilities and their accessories, and maintenance of MacArthur Boulevard; including replacement and maintenance of water meters on Federal services; purchase of two passenger motor vehicles; and fluoridation of water, \$2,127,000: *Provided*, That transfer of appropriations for operating expenses and capital outlay may be made between the Department of Sanitary Engineering of the District of Columbia and the Washington Aqueduct upon mutual agreement of the Commissioners and the Secretary of the Army.

Nothing herein shall be construed as affecting the superintendence and control of the Secretary of the Army over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the

same, and over appropriations and expenditures therefor as now provided by law.

NATIONAL GUARD

National Guard of the District of Columbia, including attendance at meetings of associations pertaining to the National Guard; expenses of camps, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments; reimbursement to the United States for loss of property for which the District of Columbia may be held responsible; cleaning and repairing uniforms, arms, and equipment; instruction, purchase, and maintenance of athletic, gymnastic, and recreational equipment at armory or field encampments; practice marches, drills, and parades; rents of armories, drill halls, and storehouses; advertising incident to recruiting; care and repair of armories, offices, storehouses, machinery, and dock, including dredging alongside of dock; alterations and additions to present structures; construction of buildings for storage and other purposes; \$114,800.

NATIONAL CAPITAL PARKS

National Capital Parks, including maintenance, care, and improvement of public parks, grounds, fountains, and reservations, propagating gardens and greenhouses, and the tourists' camp on its present site in East Potomac Park under the jurisdiction of the National Park Service; placing and maintaining portions of the parks in condition for outdoor sports, erection of stands, furnishing and placing of chairs, and services incident thereto in connection with national, patriotic, civic, and recreational functions held in the parks, including the President's Cup Regatta, and expenses incident to the conducting of band concerts in the parks; such expenses to include pay and allowances of the United States Park Police force; per diem employees at rates of pay approved by the Secretary of the Interior, not exceeding current rates of pay for similar employment in the District of Columbia; uniforming and equipping the United States Park Police force; the purchase, issue, operation, maintenance, repair, exchange, and storage of revolvers, uniforms, ammunition, and radio equipment and the rental of teletype service; and the purchase of passenger motor vehicles, bicycles, motorcycles, and self-propelled machinery; the hire of draft animals with or without drivers at local rates approved by the Secretary of the Interior; the purchase and maintenance of draft animals, harness, and wagons; \$2,344,000, of which \$25,000 shall be payable from the highway fund: *Provided*, That not to exceed \$15,000 of the amount herein appropriated may be expended for the erection of minor auxiliary structures: *Provided further*, That funds appropriated under or transferred to this head for services rendered by the National Park Service shall be expended by expenditure warrant as an advance to said service and shall be credited as a repayment and maintained in a special account. The amounts so advanced will be available for the objects specified herein or in the appropriation from which such funds are transferred, any unexpended balance to be returned to the appropriation concerned not later than two full fiscal years after the close of the current fiscal year.

NATIONAL ZOOLOGICAL PARK

National Zoological Park, including erecting and repairing buildings; care and improvement of grounds; travel, including travel for the procurement of live specimens; purchase, care, and transportation

of specimens; purchase of motorcycles and passenger motor vehicles; revolvers and ammunition; purchase of uniforms and equipment for police, and uniforms for keepers and assistant keepers; \$645,000: *Provided*, That funds appropriated under this head shall be expended by expenditure warrant as an advance to the National Zoological Park and shall be credited as a repayment and maintained in a special account. The amounts so advanced will be available for the objects herein specified, any unexpended balance to be returned to this appropriation not later than two full fiscal years after the close of the current fiscal year.

CAPITAL OUTLAY

DISTRICT DEBT SERVICE

For reimbursement to the United States of funds loaned, in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, \$250,000.

46 Stat. 485.
D. C. Code 8-
106 note.

PUBLIC BUILDING CONSTRUCTION

Capital Outlay, Public Building Construction: For acquisition of public school sites; preparation of plans and specifications for the following buildings: replacement of the Amidon-Greenleaf Elementary School, elementary school in the vicinity of Sixth Street and Riggs Road Northeast, elementary school in the vicinity of Thirteenth and S Streets Northwest, branch library building in Woodridge, operating suite addition at the District of Columbia General Hospital, and new Metropolitan Police Women's Bureau Building; erection of the following structures, including building improvement and alteration and the treatment of grounds: Patterson Elementary School addition, Draper Elementary School addition, Junior High School in the vicinity of Fourth Street and Mississippi Avenue Southeast, Junior High School in the vicinity of Minnesota Avenue and Foote Street Northeast, Shepherd Elementary School addition, Van Ness Elementary School replacement, Calvin Coolidge Senior High School Stadium, branch library building in Anacostia, addition to Cleveland Park branch library, new tuberculosis and psychiatric buildings at the District of Columbia General Hospital (including equipment), buildings for employees at the Children's Center, Receiving Home addition, and two infirmary ward buildings at the District Training School; \$400,000 for purchase of equipment for new school buildings; and permanent improvement of buildings and grounds (including purchase of furnishings and equipment, elimination of fire hazards, and road construction) of schools, firehouses, hospitals, welfare institutions, and other District of Columbia buildings; to remain available until expended, \$15,712,000, of which \$8,000,000 shall not become available for expenditure until July 1, 1955, and \$631,400 shall be available for construction services by the Director of Buildings and Grounds or by contract with architectural engineering firms, as may be determined by the Commissioners, and the funds for the use of the Director of Buildings and Grounds shall be advanced to the appropriation account, "Construction Services, Department of Buildings and Grounds": *Provided*, That the unexpended balance of the appropriation of \$343,500 for the Cleveland Park branch library, contained in the District of Columbia Appropriation Act of 1952, shall be available toward construction of the addition provided for herein.

65 Stat. 159.

The appropriations for "Capital outlay, protective institutions," contained in the District of Columbia Appropriation Acts, 1951 and 1952, shall be available for constructing such additional water

64 Stat. 359; 65
Stat. 163.

purification and transmission facilities at Fort George G. Meade, Maryland, as may be necessary to provide for a supply of water to the District Training School and the Children's Center under agreements to be entered into by the Commissioners and the Secretary of the Army, and the said appropriations shall be available for advance payment to the United States for work to be performed, subject to subsequent adjustment.

CAPITAL OUTLAY, MISCELLANEOUS

37 Stat. 444.

Capital outlay, miscellaneous: For improvement of various recreation units, including preparation of architectural plans and erection of recreation structures without regard to the Act of August 24, 1912 (40 U. S. C. 68); improvements and alterations to heating plant at Reformatory; construction and equipping of dormitory at Workhouse; preparation of plans and specifications for Youth Correctional Center; construction of public restroom building at National Zoological Park, including office and storage space for police and maintenance forces; to remain available until expended, \$966,000, of which \$275,280 shall be available for construction services by the Director of Buildings and Grounds or by contract with architectural engineering firms, as may be determined by the Commissioners, and the funds for the use of the Director of Buildings and Grounds shall be advanced to the appropriation account, "Construction Services, Department of Buildings and Grounds": *Provided*, That in the construction work hereby authorized and to be done by the Department of Corrections, brick used shall be furnished without charge by the Working Capital Fund, Workhouse and Reformatory.

DEPARTMENT OF HIGHWAYS

52 Stat. 633.
23 USC 41b.

Capital outlay, Department of Highways: For expenses necessary for the grading, surfacing, paving, repaving, widening, altering, purchase and installation of traffic lights, and otherwise improving streets, avenues, roads, and alleys, including curbing and gutters, directional and pedestrian islands at various intersections to permit proper traffic light control and channelization of traffic, drainage structures, culverts, suitable connections to storm water sewer system, retaining walls, replacement and relocation of sewers, water mains, fire hydrants, traffic lights, street lights, fire-alarm boxes, police-patrol boxes, and curb-line trees, when necessary, Federal-aid highway projects under section 1 (b) of the Federal Aid Highway Act of 1938, and highway structure projects financed wholly from the highway fund upon the approval of plans for such structures by the Commissioners; for carrying out the provisions of existing laws which authorize the Commissioners to open, extend, straighten, or widen streets, avenues, roads, or highways, in accordance with the plan of the permanent system of highways for the District of Columbia, and alleys and minor streets, and for the establishment of building lines in the District of Columbia, including the procurement of chains of title; and for assessment and permit work, paving of roadways under the permit system, and construction of sidewalks and curbs around public reservations and municipal and United States buildings, including purchase or condemnation of streets, roads, and alleys, and of areas less than two hundred and fifty feet square at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the Commissioners; placing underground, relocating, and extending the telephone, police-patrol and fire-alarm cable and circuit distribution systems; installing and extending radio systems; and purchase of lampposts, street designations, and fixtures of all kinds; to remain available until

expended, \$11,810,000, of which \$11,410,000 shall be payable from the highway fund; and, when requested by the Commissioners, \$3,357,000, or so much thereof as may be necessary (which is hereby appropriated for that purpose from any money in the Treasury not otherwise appropriated), shall be advanced by the Secretary of the Treasury to the highway fund of the District of Columbia for highway construction pursuant to the provisions of Public Law 364, 83d Congress: *Provided*, That in connection with the purchase and installation of a municipal asphalt plant on District-owned property the Commissioners are authorized to make expenditures from this appropriation in an amount not exceeding \$150,000 for the preparation of the site, including the construction of seawalls, dock facilities, and a railroad siding: *Provided further*, That in connection with the highway-planning survey, involving surveys, plans, engineering, and economic investigations of projects for future construction in the District of Columbia, as provided for under section 10 of the Federal Aid Highway Act of 1938, and in connection with the construction of Federal-aid highway projects under section 1 (b) of said Act, and highway-structure projects financed wholly from the highway fund, this appropriation and the appropriation "Operating expenses, Department of Highways" shall be available for the employment of engineering or other professional services by contract or otherwise, and without regard to section 3709 of the Revised Statutes and the civil-service and classification laws, and section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and for engineering and incidental expenses: *Provided further*, That this appropriation and the appropriation "Operating expenses, Department of Highways" shall be available for the construction and repair of pavements of street railways, in accordance with the provisions of the Merger Act (47 Stat. 752), and the proportion of the amount thus expended which under the terms of the said Act is required to be paid by the street-railway company shall be collected, upon the neglect or the refusal of such street-railway company to make such payment, from the said street-railway company in the manner provided by section 5 of the Act of June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which it is collected: *Provided further*, That in connection with projects to be undertaken as Federal-aid projects under the provisions of the Federal Aid Highway Act of December 20, 1944, as amended, the Commissioners are authorized to enter into contract or contracts for those projects in such amounts as shall be approved by the Bureau of Public Roads, Department of Commerce: *Provided further*, That the Commissioners are hereby authorized to construct grade-crossing elimination and other wholly District construction projects or those authorized under section 8 of the Act of June 16, 1936 (49 Stat. 1521), and section 1 (b) of the Federal Aid Highway Act of 1938, as amended, in accordance with the provisions of said Acts, and this appropriation may be used for payment to contractors and other expenses in connection with the expenses of surveys, design, construction, and inspection pending reimbursement to the District of Columbia by the Bureau of Public Roads, Department of Commerce, or other parties participating in such projects, reimbursement to be credited to the appropriation from which payment was made: *Provided further*, That the Commissioners are authorized to fix or alter the respective widths of sidewalks and roadways (including tree spaces and parking) of all highways that may be improved under appropriations contained in this Act: *Provided further*, That no appropriation in this Act shall be available for repairing, resurfacing, or paving any street, avenue, or roadway by private contract unless the specifications for such work shall be so prepared as to permit of fair and open competition in

Ante, p. 110.

52 Stat. 636; 53
Stat. 1066.
23 USC 9a-1.
52 Stat. 633.
23 USC 41b.

41 USC 5.

60 Stat. 810.

D. C. Code 7-
604 note.

20 Stat. 106.
D. C. Code 7-
604.

58 Stat. 838.
23 USC 60-63.

23 USC 24a.
23 USC 41b.

paving materials as well as in price: *Provided further*, That in addition to the provision of existing law requiring contractors to keep new pavements in repair for a period of one year from the date of the completion of the work, the Commissioners shall further require that where repairs are necessary during the four years following the said one-year period, due to inferior work or defective materials, such repairs shall be made at the expense of the contractor, and the bond furnished by the contractor shall be liable for such expense: *Provided further*, That this appropriation and the appropriation "Operating expenses, Department of Highways" shall be available for advance payments to Federal agencies for work to be performed, when ordered by the Commissioners, subject to subsequent adjustment.

DEPARTMENT OF SANITARY ENGINEERING

Capital outlay, Department of Sanitary Engineering: For construction of sewers and extension of the District of Columbia water-distribution system; assessment and permit work; purchase or condemnation of rights-of-way for construction, maintenance, and repair of public sewers; continuing construction on aeration plant and secondary sedimentation tanks and restoration of superintendent's residence at the Sewage Treatment Plant; laying water mains in advance of paving and installing fire and public hydrants; constructing trunk water mains and low service reservoir in Brentwood Park; to remain available until expended, \$7,491,000, of which \$1,365,000 shall be payable from the water fund, and \$2,790,000 shall be payable from the sanitary sewage works fund; and, when requested by the Commissioners, \$2,050,000, or so much thereof as may be necessary (which is hereby appropriated for that purpose from any money in the Treasury not otherwise appropriated), shall be advanced by the Secretary of the Treasury to the sanitary sewage works fund of the District of Columbia for sanitary sewage works construction pursuant to the provisions of Public Law 364, 83d Congress: *Provided*, That this appropriation and the appropriation "Operating Expenses, Department of Sanitary Engineering" shall be available for the employment of engineering or other professional services by contract or otherwise, and for engineering and incidental expenses.

Ante, p. 104.

The Secretary of the Treasury is authorized to sell United States securities now held for and on account of the water fund of the District of Columbia in such amounts as may be certified by the Commissioners as necessary and credit the proceeds of such sale to said water fund.

Capital outlay, Department of Sanitary Engineering (liquidation of contract authorization): For liquidation of obligations incurred pursuant to authority heretofore granted to enter into contracts for construction of incinerator numbered 3, \$270,000.

WASHINGTON AQUEDUCT

Capital outlay, Washington Aqueduct (payable from water fund): For continuing construction of Little Falls pumping station, dam and rising tunnel; construction of Dalecarlia filter and chemical buildings; miscellaneous betterments, replacements, and engineering planning of water supply facilities, including continuing raw-water conduit rehabilitation, utility relocations, and plant system rearrangements and interconnections; reimbursable fund for advance planning of future capital outlay projects; purchase and installation of Federal meters; acquisition by gift, exchange, purchase, or condemnation of supplementary land; and for developing increased water supply for the District of Columbia and environs in accordance with House Document 480, Seventy-ninth Congress, second session; and necessary

expenses incident thereto; including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individual consultants not in excess of \$150 per diem; to remain available until expended, \$3,900,000; and, when requested by the Commissioners, \$2,550,000, or so much thereof as may be necessary (which is hereby appropriated for that purpose from any money in the Treasury not otherwise appropriated), shall be advanced by the Secretary of the Treasury to the water fund of the District of Columbia for water-works construction pursuant to the provisions of the Act of June 2, 1950 (Public Law 533, 81st Congress).

60 Stat. 810.

64 Stat. 195;
ante, p. 103.
D. C. Code 43-
1539, 43-1540.

GENERAL PROVISIONS

SEC. 2. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by or under the jurisdiction only of the accounting officer for the District of Columbia and the vouchers as approved shall be paid by checks issued by the Disbursing Officer without countersignature.

Vouchers.

SEC. 3. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or the government of the District of Columbia, or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States or the government of the District of Columbia, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States or the government of the District of Columbia, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States or the government of the District of Columbia, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or the government of the District of Columbia or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States or the government of the District of Columbia, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence, and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Strikes or over-
throw of Govern-
ment.

Affidavit.

Penalty.

SEC. 4. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Maximum amount.

SEC. 5. Hereafter work performed for repairs and improvements may be by contract or otherwise, as determined by the Commissioners; and the Commissioners are authorized to establish a working fund for such purposes without fiscal year limitation, said fund to be reim-

Repairs and im-
provements.

Automobile allowance.

bursed for repairs and improvements performed under that fund from funds available for these purposes, and payments are authorized to be made to said fund in advance if required by the Director of Buildings and Grounds, subject to subsequent adjustment, from funds available for repairs and improvements, and such working fund shall be available for necessary expenses including allowances for privately owned automobiles.

SEC. 6. Appropriations in this Act shall be available, when authorized or approved by the Commissioners, for allowances for privately owned automobiles used for the performance of official duties at 7 cents per mile but not to exceed \$22 a month for each automobile, unless otherwise therein specifically provided, except that forty such allowances at not more than \$360 each per annum may be authorized or approved by the Commissioners: *Provided*, That the total expenditures for this purpose shall not exceed \$75,040, excluding the automobile allowances for the deportation of nonresident insane by the Department of Public Health and the transportation of indigent persons and the placing of children by the Department of Public Welfare.

Attendance at meetings.

SEC. 7. Appropriations in this Act shall be available for the payment of dues and expenses of attendance at meetings of organizations concerned with the work of the District of Columbia government, when authorized by the Commissioners: *Provided*, That the total expenditures for this purpose shall not exceed \$25,000.

Investment in U. S. securities.

SEC. 8. The Commissioners are hereby authorized in their discretion to invest and reinvest at any time in United States Government securities, with the approval of the Secretary of the Treasury, any part of the general, special, or trust funds, of the District of Columbia, not needed to meet current expenses, to deposit the interest accruing from such investments to the credit of the fund from which the investment was made, and the Secretary of the Treasury is authorized to sell or exchange such securities for other Government securities, and deposit the proceeds to the credit of the appropriate fund.

Services.

SEC. 9. Appropriations in this Act shall be available, when authorized by the Commissioners, for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

60 Stat. 810.

Advances of money.

SEC. 10. The disbursing officer of the District of Columbia is authorized to advance to officials upon requisitions previously approved by the accounting officer of the District of Columbia, not to exceed at any one time sums of money as follows:

Director of Licenses and Inspections, \$400, to be used exclusively in connection with investigation of short weights and measures;

Librarian of the Public Library, \$50 at the first of each month, for the purchase of certain books, pamphlets, periodicals, newspapers, or other printed materials;

Superintendent of recreation, \$4,000, to be used for the expense of conducting activities of the Recreation Board under the trust fund created by the Act of April 29, 1942 (56 Stat. 261);

D. C. Code 8-211.

Chief of Police, \$5,000, to be used in the prevention and detection of crime;

Chief probation officer of the juvenile court, \$50, upon requisition previously approved by the judge of the juvenile court, to be expended for travel expenses to secure the return of absconding probationers;

Director, Department of Corrections, \$1,000, to be used only in returning escaped prisoners, conditional releasees, parolees, and for the payment of cash gratuities to prisoners on release;

Director of Public Health, \$900, to be used for deportation of nonresident insane;

Director of Public Welfare, \$1,100, to be used for placing and visiting children, returning parolees and wards of the Department of Public Welfare, and deportation of nonresident indigent persons including maintenance pending transportation;

Superintendent of Schools, \$1,000, which shall be used in connection with the central food services.

SEC. 11. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Utilities Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Utilities Commission.

Restrictions.

SEC. 12. Appropriations in this Act shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed.

Electric street lighting.

SEC. 13. All motor-propelled passenger-carrying vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (5 U. S. C. 77, 78), and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof, or direct the alteration or interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" shall not apply to the Commissioners of the District of Columbia or in cases of officers and employees the character of whose duties makes such transportation necessary, but only as to such latter cases when the same is approved by the Commissioners. No motor vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia.

Passenger vehicles.

60 Stat. 810.

SEC. 14. Appropriations contained in this Act for the Department of Highways and the Department of Sanitary Engineering shall be available for snow and ice control work when ordered by the Commissioners in writing.

Restriction.

Snow removal.

SEC. 15. The Secretary of the Treasury is authorized to consolidate under appropriate current account titles the unexpended balances of such unexpired District of Columbia appropriations of prior years as may be requested by the Commissioners.

Unexpended balances.

SEC. 16. The Commissioners are authorized to construct on land owned by the District of Columbia at the District of Columbia Village a storehouse building for educational surplus property at a cost of not to exceed \$30,000, to be paid from the permanent revolving fund created by the Act of August 16, 1950 (64 Stat. 450).

Educational surplus plus property storehouse.

SEC. 17. The Commissioners are authorized to establish a working fund without fiscal-year limitation for the purpose of printing, duplicating, and photographing; and the unexpended balances in the miscellaneous trust fund accounts "Operating Account, Printing" and "Operating Account, Blueprinting" shall be deposited to said working fund; and the fund shall be reimbursed for all services performed thereunder.

D. C. Code 31-1302, Printing, photographing, etc.

Vehicle maintenance, etc.

SEC. 18. The Commissioners are authorized to establish a permanent working fund, which shall be available without fiscal-year limitation, for necessary expenses of maintenance and repair of vehicles of the Government of the District of Columbia; and said fund shall be reimbursed, or credited in advance if required by the Director, Department of Highways, for the costs of all work performed thereunder.

Short title.

SEC. 19. This Act may be cited as the "District of Columbia Appropriation Act, 1955."

Approved July 1, 1954.

Public Law 469

CHAPTER 454

JOINT RESOLUTION

July 1, 1954
[S. J. Res. 72]

To authorize the Secretary of Commerce to further extend certain charters of vessels to citizens of the Philippines, and for other purposes.

Philippines.
Charters of ves-
sels.

60 Stat. 137.

67 Stat. 110.
50 U S C app.
1786 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of existing law, the Secretary of Commerce is authorized to extend and continue the present charters of vessels to citizens of the Republic of the Philippines, which charters were made and entered into under the terms of section 306 (a) of the Act of April 30, 1946 (Public Law 370, Seventy-ninth Congress), and which charters were extended by the Secretary of Commerce under the terms of a joint resolution, approved June 30, 1953 (Public Law 87, Eighty-third Congress). Such charters may be further extended for such periods of time and under such terms and conditions as the Secretary may, from time to time, determine to be required in the interest of the economy of the Philippines, but any such charter shall contain a provision requiring that the vessel shall be operated only in the inter-island commerce in the Philippines. No such vessel shall be continued under charter, as authorized herein, beyond the completion of the first voyage terminating after June 30, 1955.

Approved July 1, 1954.

Public Law 470

CHAPTER 455

AN ACT

July 2, 1954
[H. R. 9203]

Making appropriations for the Legislative Branch and the Judiciary Branch for the fiscal year ending June 30, 1955, and for other purposes.

Legislative-Ju-
diciary Appropria-
tion Act, 1955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch and the Judiciary Branch for the fiscal year ending June 30, 1955, namely:

TITLE I—LEGISLATIVE BRANCH

SENATE

SALARIES AND EXPENSE ALLOWANCE OF SENATORS, MILEAGE OF THE PRESIDENT OF THE SENATE AND OF SENATORS, AND SALARY AND EXPENSE ALLOWANCE OF THE VICE PRESIDENT

For compensation of Senators, \$1,200,000.

For expense allowance of Senators, \$240,000.

For mileage of the President of the Senate and of Senators, \$51,000.

For the compensation of the Vice President of the United States, \$30,000.

For expense allowance of the Vice President, \$10,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, at rates of compensation to be fixed by him in multiples of \$5 per month, \$55,410.

CHAPLAIN

Chaplain of the Senate, \$2,946.

OFFICE OF THE SECRETARY

For office of the Secretary, \$444,020: *Provided*, That the basic compensation of the Assistant Parliamentarian shall be increased from \$5,940 to \$7,000, so long as the position is held by the present incumbent.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees, and the Select Committee on Small Business, \$1,767,045.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, \$33,310.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, \$33,310.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants and messenger service for Senators, \$6,207,625.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, \$1,276,875, including seven additional pages at the basic annual rate of compensation of \$1,800 each, as authorized by Public Law 357, Eighty-third Congress; one foreman of skilled laborers at \$2,100 basic and four skilled laborers at \$1,920 basic each in lieu of five skilled laborers at \$1,920 basic each; assistant postmaster at \$4,560 basic in lieu of assistant postmaster at \$4,140 basic; superintendent, service department, at \$4,380 basic in lieu of foreman in folding room at \$3,600 basic; assistant superintendent, service department, at \$2,460 basic in lieu of clerk in folding room at \$2,460 basic; clerk in service department at \$1,980 basic in lieu of clerk in folding room at \$1,980 basic; chief machine operator at \$2,460 basic in lieu of chief folder at \$2,460 basic; and thirteen machine operators at \$1,740 basic each in lieu of thirteen folders at \$1,740 basic each: *Provided*, That hereafter the Senate Folding Room shall be known as the Senate Service Department.

Ante, p. 83.

Senate Service
Department.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND THE MINORITY

For the offices of the secretary for the majority and the secretary for the minority, \$62,165.

CONTINGENT EXPENSES OF THE SENATE

Legislative reorganization: For salaries and expenses, legislative reorganization, including the objects specified in Public Law 663, Seventy-ninth Congress, \$100,000.

60 Stat. 911.
2 USC 60a.

Senate policy committees: For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, \$74,670 for each such committee; in all, \$149,340.

Joint Committee on the Economic Report: For salaries and expenses of the Joint Committee on the Economic Report, \$120,775, including compensation for stenographic assistance at such rates and in accordance with such regulations as may be prescribed by the Committee on Rules and Administration notwithstanding the provisions of Public Law 304, Seventy-ninth Congress.

60 Stat. 23.
15 USC 1021
note.

Joint Committee on Atomic Energy: For salaries and expenses of the Joint Committee on Atomic Energy, including the objects specified in Public Law 20, Eightieth Congress, \$188,060, and including compensation for stenographic assistance at such rates and in accordance with such regulations as may be prescribed by the Committee on Rules and Administration notwithstanding the provisions of Public Law 585, Seventy-ninth Congress.

61 Stat. 16.

60 Stat. 755.
42 USC 1801
note.

Joint Committee on Printing: For salaries for the Joint Committee on Printing at rates to be fixed by the committee, \$39,585; for expenses of compiling, preparing, and indexing the Congressional Directory, \$1,600; for compiling, preparing, and indexing material for the biographical directory, \$1,900, said sum, or any part thereof, in the discretion of the chairman or vice chairman of the Joint Committee on Printing, may be paid as additional compensation to any employee of the United States; and for travel and subsistence expenses at rates provided by law for Senate committees, \$4,500; in all, \$47,585.

Vice President's automobile: For purchase, exchange, driving, maintenance, and operation of an automobile for the Vice President, \$5,835.

Automobile for the President pro tempore: For purchase, exchange, driving, maintenance, and operation of an automobile for the President pro tempore of the Senate, \$5,835.

Automobiles for majority and minority leaders: For purchase, exchange, driving, maintenance, and operation of two automobiles, one for the majority leader of the Senate, and one for the minority leader of the Senate, \$11,670.

Reporting Senate proceedings: For reporting the debates and proceedings of the Senate, payable in equal monthly installments, \$135,785.

Furniture: For services in cleaning, repairing, and varnishing furniture, \$3,190.

Furniture: For materials for furniture and repairs of same, and for the purchase of furniture, \$19,000: *Provided*, That the furniture is not available from other agencies of the Government.

Inquiries and investigations: For expenses of inquiries and investigations ordered by the Senate or conducted pursuant to section 134 (a) of Public Law 601, Seventy-ninth Congress, including compensations for stenographic assistance of committees at such rates and in accordance with such regulations as may be prescribed by the Committee on Rules and Administration notwithstanding the provisions of section 134 (a) of Public Law 601, Seventy-ninth Congress; and

60 Stat. 831.

including \$400,000 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, and Public Law 20, Eightieth Congress, \$1,224,120: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses (as defined in the Travel Expense Act of 1949) at rates in excess of \$9 per day except that higher rates may be established by the Committee on Rules and Administration in the case of travel beyond the limits of the continental United States.

Folding documents: For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding \$1.50 per hour per person, \$27,000.

Materials for folding: For materials for folding, \$1,500.

Fuel and so forth: For fuel, oil, cotton waste, and advertising, exclusive of labor, \$2,000.

Senate restaurants: For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended under the supervision of the Committee on Rules and Administration, United States Senate, \$55,000.

Motor vehicles: For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, \$9,560.

Miscellaneous items: For miscellaneous items, exclusive of labor, \$981,087.

Packing boxes: For packing boxes, \$3,000.

Postage stamps: For office of Secretary, \$500; office of Sergeant at Arms, \$225; offices of the secretaries for the majority and the minority, \$100; in all, \$825.

Airmail and special-delivery stamps: For airmail and special-delivery stamps for Senators and the President of the Senate, as authorized by law, \$19,400, and the maximum allowance per capita of \$132.07 is increased to \$200 for the fiscal year 1955 and thereafter.

Stationery: For stationery for Senators and for the President of the Senate, including \$10,000 for stationery for committees and officers of the Senate, \$126,400.

Communications: For an amount for communications which may be expended interchangeably for payment, in accordance with such limitations and restrictions as may be prescribed by the Committee on Rules and Administration, of charges on official telegrams and long-distance telephone calls made by or on behalf of Senators or the President of the Senate, such telephone calls to be in addition to those authorized by the provisions of the Legislative Branch Appropriation Act, 1947 (60 Stat. 392; 2 U. S. C. 46c, 46d, 46e), the First Deficiency Appropriation Act, 1949 (63 Stat. 77; 2 U. S. C. 46d-1), Second Supplemental Appropriation Act, 1952, Public Law 254, Eighty-second Congress, and Public Law 178, Eighty-third Congress, \$14,550.

The Sergeant at Arms is authorized and directed to secure suitable office space in post office or other Federal buildings in the State of each Senator for the use of such Senator and in the city to be designated by him: *Provided*, That in the event suitable space is not available in such buildings and a Senator leases or rents office space elsewhere, the Sergeant at Arms is authorized to approve for payment, from the contingent fund of the Senate, vouchers covering bona fide statements of rentals due in an amount not exceeding \$900 per annum for each Senator.

The Sergeant at Arms of the Senate is authorized and directed to approve for payment from the contingent fund of the Senate to each Senator an amount not to exceed \$150 quarterly, upon certification of each such Senator, for official office expenses incurred in his State.

61 Stat. 15.

63 Stat. 166.
5 USC 835 note.

65 Stat. 760.

67 Stat. 321.
2 USC 46c, 46d
and notes.

60 Stat. 392.

Effective July 1, 1954, the paragraph relating to payment of toll charges on official long-distance telephone calls originating and terminating outside of Washington, District of Columbia, under the heading "Contingent Expenses of the Senate" in Public Law 479, Seventy-ninth Congress, as amended, is amended to read as follows:

"There shall be paid from the contingent fund of the Senate, in accordance with rules and regulations prescribed by the Committee on Rules and Administration of the Senate (1) the toll charges on strictly official long-distance telephone calls originating and terminating outside of Washington, District of Columbia, and (2) the toll charges on strictly official long-distance telephone calls to or from Washington, District of Columbia, in excess of those authorized to be paid under the preceding paragraph, not to exceed \$1,200 per year, for each Senator."

The Secretary of the Senate and the Sergeant at Arms are authorized and directed to protect the funds of their respective offices by purchasing insurance in an amount necessary to protect said funds against loss. Premiums on such insurance shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the Committee on Rules and Administration.

Salaries or wages paid out of the foregoing items under "Contingent expenses of the Senate" shall be computed at basic rates, plus increased and additional compensation, as authorized and provided by law.

HOUSE OF REPRESENTATIVES

SALARIES, MILEAGE, AND EXPENSES OF MEMBERS

For compensation of Members (wherever used herein the term "Member" shall include Members of the House of Representatives, Delegates from Territories, and the Resident Commissioner from Puerto Rico), \$5,492,500.

Fiscal year.

For mileage and expense allowance of Members, as authorized by law, \$1,273,500: *Provided*, That hereafter the fiscal year for the adjustment of the accounts of the Sergeant at Arms of the House of Representatives for compensation and mileage of Members shall extend from July 1 to June 30.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers and employees, as authorized by law, as follows:

OFFICE OF THE SPEAKER

For Office of the Speaker, \$47,285.

OFFICE OF THE PARLIAMENTARIAN

For the Office of the Parliamentarian, including \$2,000 for preparing Digest of the Rules, \$43,885.

OFFICE OF THE CHAPLAIN

For the Office of the Chaplain, \$4,200.

OFFICE OF THE CLERK

For the Office of the Clerk, including \$25,000 for additional administrative personnel, \$17,000 for additional clerical assistants and readjustment of salaries in the disbursing office, and \$597 additional for increased longevity pay for telephone operators; \$737,530.

COMMITTEE EMPLOYEES

For committee employees, including not to exceed \$330,000 for the Committee on Appropriations; \$1,820,000.

OFFICE OF THE SERGEANT AT ARMS

For Office of the Sergeant at Arms, \$384,045.

OFFICE OF THE DOORKEEPER

For the Office of the Doorkeeper, \$657,915.

SPECIAL AND MINORITY EMPLOYEES

For six minority employees, \$54,685.

For office of the majority floor leader, including \$2,000 for official expenses of the majority leader, \$45,985.

For the office of the minority floor leader, \$36,000.

For the office of majority whip, \$20,310.

For the office of minority whip, \$20,725.

For two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, \$7,485.

For a technical assistant in the office of the attending physician, to be appointed by the attending physician, subject to the approval of the Speaker, \$6,295.

OFFICE OF THE POSTMASTER

For the Office of the Postmaster, including \$1,710 additional for the employment of substitute messengers, and extra services of regular employees when required at the basic salary rate of not to exceed \$1,940 per annum each, \$189,880.

OFFICIAL REPORTERS OF DEBATES

For official reporters of debates, \$124,435.

OFFICIAL REPORTERS TO COMMITTEES

For official reporters to committees, including compensation for the employment of expert transcribers, \$133,855.

APPROPRIATIONS COMMITTEE

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202 (b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, \$450,000.

MEMBERS' CLERK HIRE

For clerk hire, necessarily employed by each Member in the discharge of his official and representative duties, which shall be at the basic rate of \$15,000 per annum; *Provided*, That no salary shall be fixed hereunder at a basic rate in excess of \$6,000 per annum; \$11,500,000.

60 Stat. 834.
2 USC 72a.

CONTINGENT EXPENSES OF THE HOUSE

Furniture: For furniture and materials for repairs of the same, including labor, tools, and machinery for furniture repair shops, and for the purchase of packing boxes, \$220,500.

54 Stat. 1056.
40 USC 174k.

Miscellaneous items: For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the sum of \$12,500 for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812); the exchange, operation, maintenance, and repair of the Clerk's motor vehicles; the exchange, operation, maintenance, and repair of the folding room motortruck; the exchange, maintenance, operation, and repair of the post-office motor vehicles for carrying the mails; the sum of \$600 for hire of automobile for the Sergeant at Arms; materials for folding; and for stationery for the use of committees, departments, and officers of the House; \$898,800.

Reporting hearings: For stenographic reports of hearings of committees other than special and select committees, \$125,000.

Special and select committees: For salaries and expenses of special and select committees authorized by the House, \$1,250,000.

Joint Committee on Internal Revenue Taxation: For the payment of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation, \$200,000.

Joint Committee on Immigration and Nationality Policy: For salaries and expenses of the Joint Committee on Immigration and Nationality Policy, \$20,000.

Office of the Coordinator of Information: For salaries and other expenses of the Office of the Coordinator of Information, \$73,750.

Telegraph and telephone: For telegraph and telephone service, exclusive of personal services, \$800,000: *Provided*, That effective July 1, 1954, the number of minutes of official long distance telephone calls allowed each Member shall not exceed 2,700 per annum.

Stationery (revolving fund): For a stationery allowance for each Member, (which hereafter shall be \$1,200 per regular session) for the first session of the Eighty-fourth Congress, \$525,600, to remain available until expended.

Attending physician's office: For medical supplies, equipment, and contingent expenses of the emergency room and for the attending physician and his assistants, including an allowance of \$1,500 to be paid to the attending physician in equal monthly installments as authorized by the Act approved June 27, 1940 (54 Stat. 629), and including an allowance of not to exceed \$30 per month each to four assistants as provided by the House resolutions adopted July 1, 1930, January 20, 1932, and November 18, 1940, \$8,985.

Postage stamps: Postmaster, \$320; Clerk, \$640; Sergeant at Arms, \$480; Doorkeeper, \$400. After June 30, 1954, the amount allowed to Members for United States airmail and special-delivery postage stamps for each fiscal year shall be \$200 each; to the Speaker, the majority and minority leaders, the majority and minority whips, \$360 each; and to each standing committee, \$80. In all, \$94,050.

Folding documents: For folding speeches and pamphlets, at a gross rate not exceeding \$2 per thousand or for the employment of personnel at a gross rate not exceeding \$1.50 per hour per person, \$125,000.

45 Stat. 1008.

Revision of laws: For preparation and editing of the laws as authorized by the Act approved May 29, 1928 (1 U. S. C. 59), \$13,700, to be expended under the direction of the Committee on the Judiciary.

Speaker's automobile: For purchase, exchange, driving, maintenance, repair, and operation of an automobile for the Speaker, \$7,200.

Automobile for the majority leader: For purchase, exchange, driving, maintenance, repair, and operation of an automobile for the majority leader of the House, \$5,835.

Automobile for the minority leader: For purchase, exchange, driving, maintenance, repair, and operation of an automobile for the minority leader of the House, \$5,835.

Salaries or wages paid out of the items herein for the House of Representatives shall hereafter be computed at basic rates, plus increased and additional compensation, as authorized and provided by law.

The Sergeant at Arms is hereafter authorized and directed to secure suitable office space in post offices or other Federal buildings in each district represented by a Member of the House of Representatives for the use of such Member and at a place in such district which such Member may designate: *Provided*, That in the event suitable office space is not available in such buildings and a Member leases or rents office space elsewhere, the Sergeant at Arms is authorized to approve for payment, from the contingent fund of the House of Representatives, vouchers covering bona fide statements of rentals due in an amount not exceeding \$900 per annum for each such Member. For the purposes of this paragraph the term "district" includes Alaska, Hawaii, Puerto Rico, and, in the case of a Representative-at-large, a State.

District office space.

The Clerk of the House is authorized and directed to reimburse each Member from the contingent fund in an amount not to exceed \$150 quarterly, upon certification of the Member, for official office expenses incurred in his Congressional district.

No part of any appropriation for the contingent expenses of the House of Representatives shall be used to defray the expenses of any committee consisting of more than six persons (not more than four from the House and not more than two from the Senate), nor to defray the expenses of any other person except the Sergeant at Arms of the House or a representative of his office, and except the widow or minor children, or both, of the deceased, to attend the funeral rites and burial of any Member.

Funeral attendance, restriction.

The Clerk of the House is hereafter authorized to pay, from the contingent fund of the House, a gratuity to the widow, widower, or heirs-at-law, of each deceased employee of the House an amount equal to one month's salary for each year or part of year of the first six years' service of such employee plus one-half of one month's salary for each year or part of year of such service in excess of six years to and including the eighteenth year of such service. Service computed hereunder shall include all Federal civilian employment, and military service where such service interrupted Federal civilian employment.

Widow's gratuity, etc.

CAPITOL POLICE

General expenses: For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including \$25 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House, as may be designated by the chairman of the Board; \$17,900.

Capitol Police Board: To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, \$22,345. Such sum shall only be expended for payment for salaries and other expenses of personnel detailed from the Metro-

politan Police of the District of Columbia, and the Commissioners of the District of Columbia are authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and is authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person who was a member of such police on July 1, 1940, shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail: *Provided further*, That the Commissioners of the District of Columbia are directed to pay the lieutenants detailed under the authority of this paragraph the same salary as that paid in fiscal year 1954 plus such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents.

55 Stat. 456.

54 Stat. 629.

Disbursement.

The foregoing amounts under "Capitol Police" shall be disbursed by the Clerk of the House.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of maintenance of the Office of the Legislative Counsel, as authorized by law, including increased and additional compensation as provided by law \$259,000, of which \$132,000 shall be disbursed by the Secretary of the Senate and \$127,000 by the Clerk of the House of Representatives.

JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

For an amount to enable the Joint Committee on Reduction of Nonessential Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the committee, \$20,000, to be disbursed by the Secretary of the Senate.

26 USC note
prec. 3600.**EDUCATION OF SENATE AND HOUSE PAGES**

For education of congressional pages and pages of the Supreme Court, pursuant to section 243 of the Legislative Reorganization Act, 1946, \$47,280, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia, and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

60 Stat. 839.
2 USC 88a.

PENALTY MAIL COSTS

For expenses necessary under section 2 of Public Law 286, Eighty-third Congress, \$1,169,700, to be available immediately.

67 Stat. 614.
39 USC 321c.

STATEMENT OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Eighty-third Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, \$6,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

Salaries: For the Architect of the Capitol, Assistant Architect of the Capitol, Chief Architectural and Engineering Assistant, and other personal services at rates of pay provided by law; and the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect, and, in case of the absence or disability of the Assistant Architect, the Chief Architectural and Engineering Assistant shall so act; \$138,000.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$3,000.

CAPITOL BUILDINGS AND GROUNDS

Capitol Buildings: For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; personal and other services; cleaning and repairing works of art without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of passenger motor vehicle; not to exceed \$300 for the purchase of necessary reference books and periodicals; not to exceed \$150 for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol; \$630,000.

41 USC 5.

Capitol Grounds: For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings; Capitol Power Plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended; \$342,500.

41 USC 5.

Legislative garage: For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, \$34,200.

Subway transportation, Capitol and Senate Office Buildings: For maintenance, repairs, and rebuilding of the subway transportation system connecting the Senate Office Building with the Capitol, including personal and other services, \$3,500.

Senate Office Building: For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel and for personal and other services; including five female attendants in charge of ladies' retiring rooms at \$1,800 each, for the care and operation of the Senate Office Building; to be expended under the control and supervision of the Architect of the Capitol; in all, \$796,400.

66 Stat. 473.

House Office Buildings: For maintenance, including equipment, waterproof wearing apparel, miscellaneous items, and for all necessary services, \$984,200: *Provided*, That \$70,000 of the amount made available under this head for the fiscal year 1952, continued available by the Legislative Branch Appropriation Act, 1953, until June 30, 1953, is hereby continued available until June 30, 1955.

Capitol Power Plant: For lighting, heating, and power (including the purchase of electrical energy), for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, legislative garage, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office, reimbursement for which shall be made and covered into the Treasury; personal and other services, fuel, oil, materials, waterproof wearing apparel, and all other necessary expenses in connection with the maintenance and operation of the plant, \$1,237,000.

63 Stat. 933.

Changes and improvements, Capitol Power Plant: Toward carrying out the changes and improvements authorized by the Act of October 26, 1949 (Public Law 413, Eighty-first Congress), \$1,500,000, to be expended by the Architect of the Capitol under the direction of the House Office Building Commission.

LIBRARY BUILDINGS AND GROUNDS

Structural and mechanical care: For the necessary expenditures for mechanical and structural maintenance, including minor improvements, equipment, supplies, waterproof wearing apparel, and personal and other services, \$400,000.

Furniture and furnishings: For furniture, partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, office and library equipment, apparatus, and labor-saving devices, \$50,000.

BOTANIC GARDEN

63 Stat. 954.
5 USC 1071 note.

Salaries and expenses: For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden and the nurseries, buildings, grounds, collections, and equipment pertaining thereto, including personal services (including not to exceed \$3,000 for temporary labor without regard to the Classification Act of 1949); waterproof wearing apparel; not to exceed \$25 for emergency medical supplies; traveling expenses including streetcar fares, not to exceed \$275; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; purchase and exchange of motor trucks; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference, not to exceed \$100; repairs and improvements to Director's residence; all under the direction of the Joint Committee on the Library; \$223,100: *Provided*, That no part of this appropriation shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

Restriction.

LIBRARY OF CONGRESS

Salaries and expenses: For necessary expenses of the Library of Congress not otherwise provided for, including compensation of the Librarian Emeritus, as authorized by law; development and maintenance of the Union Catalogs; custody, care, and maintenance of the Library buildings; special clothing; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board; \$4,717,636.

COPYRIGHT OFFICE

Salaries and expenses: For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$1,100,000.

LEGISLATIVE REFERENCE SERVICE

Salaries and expenses: For expenses necessary to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U. S. C. 166), \$875,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration.

60 Stat. 836.
2 USC 166 and
note.

DISTRIBUTION OF CATALOG CARDS

Salaries and expenses: For expenses necessary for the preparation and distribution of catalog cards and other publications of the Library, \$1,332,000.

INCREASE OF THE LIBRARY OF CONGRESS

General increase of the Library: For expenses (except personal services) necessary for acquisition of books, periodicals and newspapers, and all other material for the increase of the Library, \$260,000, to continue available during the next succeeding fiscal year.

Increase of the law library: For expenses (except personal services) necessary for acquisition of books, legal periodicals, and all other material for the increase of the law library, \$90,000, to continue available during the next succeeding fiscal year.

Books for the Supreme Court: For the purchase of books and periodicals for the Supreme Court, to be a part of the Library of Congress, and purchased by the Librarian of the Supreme Court, under the direction of the Chief Justice, \$25,000.

BOOKS FOR THE BLIND

For salaries and other expenses necessary to carry out the provisions of the Act entitled "An Act to provide books for the blind", approved March 3, 1931 (2 U. S. C. 135a), as amended, \$1,000,000.

46 Stat. 1487.

ADMINISTRATIVE PROVISIONS

Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of investigating the loyalty of Library employees; special and temporary services (including

60 Stat. 810.

employees engaged by the day or hour or in piecework); and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

Not to exceed ten positions in the Library of Congress may be exempt from the provisions of appropriation Acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the three categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed \$10,000, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

28 Stat. 603.

49 Stat. 502; 63 Stat. 381; 56 Stat. 1045.

For authorized printing and binding for the Congress; not to exceed \$5,000 for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U. S. C. 182); printing, binding, and distribution of the Federal Register (including the Code of Federal Regulations), as authorized by law (44 U. S. C. 309, 311, 311a); and printing and binding of Government publications authorized by law to be distributed without charge to the recipients; \$8,500,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture).

OFFICE OF SUPERINTENDENT OF DOCUMENTS

63 Stat. 954.
5 USC 1071 note.

43 Stat. 658.

Salaries and expenses: For necessary expenses of the Office of Superintendent of Documents, including personal services in accordance with the Classification Act of 1949, as amended, and compensation of employees who shall be subject to the provisions of the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U. S. C. 40); traveling expenses (not to exceed \$1,500); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying books to depository libraries; \$2,825,000: *Provided*, That no part of this sum shall be used to supply to depository libraries any documents, books, or other printed matter not requested by such libraries, and the requests therefor shall be subject to approval by the Superintendent of Documents.

GENERAL PROVISIONS

Private vehicles.

SEC. 102. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles.

Rate of compensation, etc.
46 Stat. 32.
2 USC 60a.

SEC. 103. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members,

Officers, and Committees of the House, and Clerk Hire for Members shall be the permanent law with respect thereto: *Provided further*, That the provisions relating to positions and salaries thereof carried in H. Res. 118, 221, 254, 355, 364, 392, 401, 427, 428, 474, 486, and 554 of the Eighty-third Congress shall be the permanent law with respect thereto.

SEC. 104. No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds.

Capitol Police.

SEC. 105. After June 30, 1954, when any person who has been elected a Representative in Congress dies after the commencement of the Congress to which he has been elected, the Sergeant at Arms of the House of Representatives shall pay to the widow, or widower, of such person, or if there is no widow, or widower, to the next of kin or heirs-at-law of such person, any unpaid balance of salary or other sums due such person at the time of his death.

Deceased Congressman's salary.

SEC. 106. This title may be cited as the "Legislative Appropriation Act, 1955".

Citation of title.

TITLE II—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES

For the Chief Justice and eight Associate Justices, and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, \$1,016,000.

PRINTING AND BINDING SUPREME COURT REPORTS

For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, \$91,200.

PREPARATION OF RULES FOR CIVIL PROCEDURE

For expenses of the Supreme Court incident to proposed amendments or additions to the rules of civil procedure for the United States District Courts pursuant to title 28, United States Code, section 2072, to be expended as the Chief Justice in his discretion may approve, including personal services in the District of Columbia, printing and binding, and per diem allowances in lieu of actual expenses for subsistence at rates to be fixed by him not to exceed \$15 per day, \$4,300, which, together with the unexpended balance of funds appropriated under this head in the Second Supplemental Appropriation Act, 1953, shall remain available until June 30, 1955.

62 Stat. 961; 63 Stat. 104.

67 Stat. 10.

MISCELLANEOUS EXPENSES

For miscellaneous expenses to be expended as the Chief Justice may approve, \$52,650.

CARE OF THE BUILDINGS AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act

48 Stat. 668.

approved May 7, 1934 (40 U. S. C. 13a–13d), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with sections 3709, as amended, and 3744 of the Revised Statutes (41 U. S. C. 5, 16); \$338,300.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, \$210,160.

CUSTOMS COURT

SALARIES AND EXPENSES

For salaries of the chief judge, eight judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, \$495,630: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon the written certificate of the judge.

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, seven regular and six additional commissioners, and all other officers and employees of the Court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, \$618,000.

REPAIRS AND IMPROVEMENTS

For necessary repairs and improvements to the Court of Claims buildings, to be expended under the supervision of the Architect of the Capitol, \$8,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

62 Stat. 903.

For salaries of circuit judges; district judges (including judges of the district courts of Alaska, the Virgin Islands, the Panama Canal Zone, and Guam); justices and judges of the Supreme Court and circuit courts of the Territory of Hawaii; and justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; \$5,472,500.

SALARIES OF SUPPORTING PERSONNEL

63 Stat. 954.
5 USC 1071 note.

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, \$12,850,000: *Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office without regard to the Classification Act of 1949, as amended, except

that the salary of a secretary shall conform with that of the General Schedule grades (GS) 4, 5, 6, 7, or 8, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the General Schedule grades (GS) 5, 7, 9, 11, or 12, as the appointing judge shall determine, subject to review by the judicial council of the circuit if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step-increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed \$10,560 per annum, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed \$14,355 per annum.

5 USC 1121-1125.

FEES OF JURORS AND COMMISSIONERS

For fees, expenses, and costs of jurors (including meals and lodging for jurors in Alaska, as provided by section 193, title II, of the Act of June 6, 1900, 31 Stat. 362); compensation of jury commissioners; and fees of United States commissioners and other committing magistrates acting under title 18, United States Code, section 3041; \$3,950,000.

62 Stat. 815.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, the cost of contract statistical services for the office of Register of Wills of the District of Columbia and not to exceed \$1,000 for the payment of fees to attorneys appointed in accordance with the Act of June 8, 1938 (52 Stat. 625), not exceeding \$25 in any one case, \$1,800,000: *Provided*, That this sum shall be available, in an amount not to exceed \$8,500 for expenses of attendance at meetings concerned with the work of Federal Probation when incurred on the written authorization of the Director of the Administrative Office of the United States Courts.

D. C. Code 21-308.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, \$535,000.

SALARIES OF REFEREES

For salaries of referees as authorized by the Act of June 28, 1946, as amended (11 U. S. C. 68), not to exceed \$1,083,700, to be derived from the referees' salary fund established in pursuance of said Act.

60 Stat. 326.

EXPENSES OF REFEREES

For miscellaneous expenses of referees, United States courts, including the salaries of their clerical assistants, travel, purchase of envelopes without regard to the Act of June 26, 1906 (34 Stat. 476), not to exceed \$1,443,550, to be derived from the referees' expense fund established in pursuance of the Act of June 28, 1946, as amended (11 U. S. C. 68 (c) (4)).

39 USC 355.

60 Stat. 327.

GENERAL PROVISIONS

SEC. 202. Sixty per centum of the expenditures for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 per centum of the expenditures for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

SEC. 203. The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than \$6.50 per volume.

Citation of title.

SEC. 204. This title may be cited as the "Judiciary Appropriation Act, 1955".

TITLE III—GENERAL PROVISIONS

Strikes or over-
throw of Govern-
ment.

SEC. 301. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section, engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence, and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Affidavit.

Penalty.

Availability.

SEC. 302. The appropriations, authorizations, and authority with respect thereto in this Act or any regular annual appropriation Act for the fiscal year 1955 which has not been enacted into law prior to July 1, 1954, shall be available from and including such date for the purposes respectively provided in such appropriations, authorizations, and authority. All obligations incurred during the period between June 30, 1954, and the date of enactment of this Act or the applicable Act in anticipation of such appropriations, authorizations, and authority are hereby ratified and confirmed if in accordance with the respective terms thereof.

Short title.

SEC. 303. This Act may be cited as the "Legislative-Judiciary Appropriation Act, 1955".

Approved July 2, 1954.

Public Law 471

CHAPTER 456

AN ACT

Making appropriations for the Departments of State, Justice, and Commerce, and the United States Information Agency, for the fiscal year ending June 30, 1955, and for other purposes.

July 2, 1954
[H. R. 8067]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, and the United States Information Agency for the fiscal year ending June 30, 1955, namely:

Departments of
State, Justice, and
Commerce and the
U. S. Information
Agency Appropria-
tion Act, 1955.

TITLE I—DEPARTMENT OF STATE

SALARIES AND EXPENSES

For necessary expenses of the Department of State not otherwise provided for, including the cost of transporting to and from a place of storage and the cost of storing the furniture and household and personal effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Secretary may prescribe; expenses authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801–1158), not otherwise provided for; expenses of the National Commission on Educational, Scientific, and Cultural Cooperation as authorized by sections 3, 5, and 6 of the Act of July 30, 1946 (22 U. S. C. 287o, 287q, 287r); expenses of attendance at meetings concerned with activities provided for under this appropriation; hire of passenger motor vehicles; printing and binding outside the continental United States without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase of uniforms; insurance of official motor vehicles in foreign countries when required by law of such countries; dues for library membership in organizations which issue publications to members only, or to members at a price lower than the others; rental of tie lines and teletype equipment; employment of aliens, by contract for services abroad; refund of fees erroneously charged and paid for passports; establishment, maintenance, and operation of passport and despatch agencies; ice and drinking water for use abroad; excise taxes on negotiable instruments abroad; loss by exchange; radio communications; payment in advance for subscriptions to commercial information, telephone and similar services abroad; relief, protection, and burial of American seamen, and alien seamen from United States vessels in foreign countries and in the United States Territories and possessions; expenses incurred in acknowledging services of officers and crews of foreign vessels and aircraft in rescuing American seamen, airmen, or citizens from shipwreck or other catastrophe abroad; rent and expenses of maintaining in Egypt, Morocco, and Muscat, institutions for American convicts and persons declared insane by any consular court, and care and transportation of prisoners and persons declared insane; expenses, as authorized by law (18 U. S. C. 3192), of bringing to the United States from foreign countries persons charged with crime; and procurement by contract or otherwise, of services, supplies, and facilities, as follows: (1) translating, (2) analysis and tabulation of technical information, (3) preparation of special maps, globes, and geographic aids, (4) maintenance, improvement, and repair of diplomatic and consular properties in foreign countries, including minor construction on Government-owned properties, (5)

60 Stat. 999.

60 Stat. 713.

40 Stat. 1270.

60 Stat. 810.

62 Stat. 825.

63 Stat. 384.

fuel and utilities for Government-owned or leased property abroad, and (6) rental or lease, for periods not exceeding ten years, of offices, buildings, grounds, and living quarters for the use of the Foreign Service, for which payments may be made in advance; \$62,500,000, and in addition \$200,000 to be derived by transfer from the unobligated balance of the 1954 appropriation, "Government in Occupied Areas", of which not less than \$8,000,000 shall, if possible, be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That pursuant to section 201 (c) of the Act of June 30, 1949 (40 U. S. C. 481 (c)), passenger motor vehicles in possession of the Foreign Service abroad may be exchanged or sold and the exchange allowances or proceeds of such sales shall be available without fiscal year limitation for replacement of an equal number of such vehicles and the cost, including the exchange allowance, of each such replacement shall not exceed \$3,000 in the case of the chief of mission automobile at each diplomatic mission (except that seven such vehicles may be purchased at not to exceed \$3,600 each) and \$1,400 in the case of all other such vehicles except station wagons: *Provided further*, That none of the funds made available by this appropriation shall be used to pay the salaries and expenses of the Metals and Minerals staff in the Office of Economic Affairs.

REPRESENTATION ALLOWANCES

60 Stat. 1026.

For representation allowances as authorized by section 901 (3) of the Foreign Service Act of 1946 (22 U. S. C. 1131), \$475,000.

ACQUISITION OF BUILDINGS ABROAD

44 Stat. 403.

60 Stat. 999.

60 Stat. 810.

For carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U. S. C. 292-300), including personal services in the United States and abroad; salaries, expenses and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158); expenses of attendance at meetings concerned with activities provided for under this appropriation; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$2,500,000, of which not less than \$2,000,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U. S. C. 107), \$1,000,000: *Provided*, That the Secretary of State may delegate to subordinate officials the authority vested in him by section 291 of the Revised Statutes pertaining to certification of expenditures.

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$28,250,000.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and Conventions providing for such representation; attendance at meetings of societies or associations concerned with the work of the organizations; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158); hire of passenger motor vehicles; printing and binding, without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); and purchase of uniforms for guards and chauffeurs; \$1,050,000: *Provided*, That the provisions of section 8 of the United Nations Participation Act of 1945, as amended, and regulations thereunder, applicable to expenses incurred pursuant to that Act, may be applicable to the obligation and expenditure of funds in connection with United States participation in the International Civil Aviation Organization.

60 Stat. 999.

40 Stat. 1270.

63 Stat. 736.
22 USC 287e.

INTERNATIONAL CONTINGENCIES

For necessary expenses of participation by the United States upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services without regard to civil-service and classification laws; salaries, expenses and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158); employment of aliens; travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under the Travel Expense Act of 1949; not to exceed \$15 per diem in lieu of subsistence for persons serving without compensation in an advisory capacity while away from their homes or regular places of business; rent of quarters by contract or otherwise; hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); \$1,000,000, of which not to exceed a total of \$100,000 may be expended for representation allowances as authorized by section 901 (3) of the Act of August 13, 1946 (22 U. S. C. 1131) and for entertainment.

60 Stat. 999.

63 Stat. 166.
5 USC 835 note.

40 Stat. 1270.

60 Stat. 1026.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For expenses necessary to enable the United States to meet its obligations under the treaties of 1884, 1889, 1905, 1906, 1933, and 1944 between the United States and Mexico, and to comply with the other laws applicable to the United States Section, International Boundary and Water Commission, United States and Mexico, including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, water supply, power, irrigation, boundary fence, and sanitation projects; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); Rio Grande emergency flood protection; expenditures for the purposes set forth in sections 101 through 104 of the Act of September 13, 1950 (22 U. S. C. 277d-1-277d-4); purchase of planographs and lithographs; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without

24 Stat. 1011;
26 Stat. 1512; 35
Stat. 1863; 34 Stat.
2953; 48 Stat.
1621; 59 Stat.
1219.

64 Stat. 846.

regard to section 3709 of the Revised Statutes, as amended (41 U. S. C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examinations, preliminary surveys, and investigations, \$450,000.

CONSTRUCTION

48 Stat. 1621.
49 Stat. 660.
55 Stat. 338.
64 Stat. 846.
22 USC 277d-1
note.
59 Stat. 1219.

For detailed plan preparation and construction of projects authorized by the Convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U. S. C. 277-277f), August 29, 1935 (49 Stat. 961), June 4, 1936 (49 Stat. 1463), June 28, 1941 (22 U. S. C. 277f), September 13, 1950 (Public Law 786), and the projects stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, \$300,000, to remain available until expended: *Provided*, That no expenditures shall be made for the lower Rio Grande flood-control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That the Anzalduas Diversion Dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the costs of said dam as shall have been allocated to such purposes by the Secretary of State.

OPERATION AND MAINTENANCE

For operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations, \$1,000,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

1 UST 694.

For expenses necessary to enable the President to perform the obligations of the United States pursuant to treaties between the United States and Great Britain, in respect to Canada, signed January 11, 1909 (36 Stat. 2448) and February 24, 1925 (44 Stat. 2102), the treaty between the United States and Canada signed February 27, 1950, including stenographic reporting services by contract; hire of passenger motor vehicles; \$245,000, to be disbursed under the direction of the Secretary of State, and to be available also for additional expenses of the American Sections, International Commissions, as hereinafter set forth:

International Joint Commission, United States and Canada, the salary of one Commissioner on the part of the United States who shall serve at the pleasure of the President (the other Commissioners to serve in that capacity without compensation therefor); salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary; and special and technical investigations in con-

nection with matters falling within the Commission's jurisdiction: *Provided*, That transfers of funds may be made to other agencies of the Government for the performance of work for which this appropriation is made.

International Boundary Commission, United States, Alaska, and Canada, the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and the existing treaties between the United States and Great Britain; commutation of subsistence to employees while on field duty, not to exceed \$6 per day each (but not to exceed \$3 per day each when a member of a field party and subsisting in camp); hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress; \$310,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

INTERNATIONAL EDUCATIONAL EXCHANGE ACTIVITIES

For necessary expenses, not otherwise provided for, to enable the Department of State to carry out international educational exchange activities, as authorized by the United States Information and Educational Exchange Act of 1948 (22 U. S. C. 1431-1479), and the Act of August 9, 1939 (22 U. S. C. 501), and to administer the programs authorized by section 32 (b) (2) of the Surplus Property Act of 1944, as amended (50 U. S. C. App. 1641 (b)) (except in Germany and Austria), the Act of August 24, 1949 (20 U. S. C. 222-224), the Act of September 29, 1950 (20 U. S. C. 225), including salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158); expenses of attendance at meetings concerned with activities provided for under this appropriation; hire of passenger motor vehicles; entertainment within the United States (not to exceed \$1,000); services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); advance of funds notwithstanding section 3648 of the Revised Statutes as amended; and actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities authorized under this appropriation; \$14,700,000, of which not less than \$7,560,166 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States.

62 Stat. 6.
53 Stat. 1290.
60 Stat. 754.
63 Stat. 630.
64 Stat. 1081.
60 Stat. 999.
60 Stat. 810.

INTERNATIONAL CLAIMS COMMISSION

For expenses necessary to enable the Commission to settle certain claims of the Government of the United States on its own behalf and on behalf of American nationals against foreign governments as authorized by the Act of March 10, 1950, as amended (22 U. S. C. 1621-1627), including expenses of attendance at meetings of organizations concerned with the purpose of this appropriation; hire of passenger motor vehicles for field use only; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and employment of aliens; \$130,000.

64 Stat. 12.
60 Stat. 810.

GENERAL PROVISIONS—DEPARTMENT OF STATE

Contracts in
foreign countries.

SEC. 102. Contracts entered into in foreign countries involving expenditures from any of the appropriations under this title shall not be subject to the provisions of section 3741 of the Revised Statutes (41 U. S. C. 22).

Exchange of
funds.

SEC. 103. The exchange of funds for payment of expenses in connection with the operation of diplomatic and consular establishments abroad shall not be subject to the provisions of section 3651 of the Revised Statutes (31 U. S. C. 543).

Travel expenses.

SEC. 104. Appropriations under this title available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel shall be available for such expenses when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current fiscal year.

Vehicles.

60 Stat. 810.

SEC. 105. Notwithstanding the provisions of section 16a of the Act of August 2, 1946 (5 U. S. C. 78 (a)), Government-owned vehicles may be used in foreign countries for transportation of United States Government employees from their residence to the office and return when public transportation facilities are unsafe or are not available: *Provided*, That each Chief of Mission shall have prior authority from the Secretary of State to approve such transportation.

Security guard
services.

SEC. 106. Appropriations under this title for "Salaries and expenses", "International contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files.

Per diem rates.

SEC. 107. The Secretary of State, with the approval of the Bureau of the Budget, shall prescribe the maximum rates (not to exceed \$12 per day) of per diem in lieu of subsistence (or of similar allowances therefor) payable while away from their own countries to foreign participants in any exchange of persons program, or in any program of furnishing technical information and assistance, under the jurisdiction of any Government agency, and said rates may be fixed without regard to any provision of law in limitation thereof.

Restrictions.

SEC. 108. No part of any appropriation contained in this title shall be used to pay the salary or expenses of any person assigned to or serving in any office of any of the several States of the United States or any political subdivision thereof.

SEC. 109. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

UN membership.
Communist
China.

SEC. 110. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.

Citation of title.

This title may be cited as the "Department of State Appropriation Act, 1955".

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For expenses necessary for the administration of the Department of Justice and for examination of judicial offices, including purchase of two passenger motor vehicles for replacement only (including one at not to exceed \$4,000); and miscellaneous and emergency expenses authorized or approved by the Attorney General or his Administrative Assistant; \$2,472,500.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or his Administrative Assistant; and advances of public moneys pursuant to law (31 U. S. C. 529); \$9,450,000.

60 Stat. 809.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$3,100,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of United States attorneys and marshals and United States district attorneys in Alaska, including purchase of one passenger motor vehicle (van) for replacement only at not to exceed \$7,500; services in Alaska in collecting evidence for the United States when specifically directed by the Attorney General; and firearms and ammunition; \$14,500,000, of which not to exceed \$50,000 shall be available for the employment of temporary deputy marshals in lieu of bailiffs at a rate not to exceed \$10 per day: *Provided*, That of the amount herein appropriated \$12,000 may be used for the emergency replacement of one prisoner-carrying bus upon certificate of the Attorney General.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law; and not to exceed \$175,000 for such compensation and expenses of witnesses (including expert witnesses) or informants pursuant to section 1 of the Act of July 28, 1950 (5 U. S. C. 341) and section 4244 of title 18, United States Code; \$1,000,000: *Provided*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

64 Stat. 380.
63 Stat. 686.

SALARIES AND EXPENSES, CLAIMS OF PERSONS OF JAPANESE ANCESTRY

For administrative expenses necessary for payment of claims of persons of Japanese ancestry, pursuant to the Act of July 2, 1948 (50 U. S. C. 1981–1987), \$200,000.

62 Stat. 1231.
50 U. S. C. app.
1981–1987.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

Protection of the
President.

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, including purchase (not to exceed three hundred for replacement only) and hire of passenger motor vehicles; purchase at not to exceed \$10,000, for replacement only, of one armored motor vehicle; firearms and ammunition; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; not to exceed \$4,500 for expenses of attendance at meetings of organizations concerned with the purposes of this appropriation; payment of rewards; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$78,282,000: *Provided*, That the compensation of the Director of the Bureau shall be \$20,000 per annum so long as the position is held by the present incumbent.

Limitation.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

Security guard
service.

Deputy Commis-
sioner.

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under the immigration laws, for work performed; payment of rewards; not to exceed \$35,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; not to exceed \$5,000 for expenses of attendance at meetings of organizations concerned with the purposes of this appropriation; purchase (not to exceed one hundred for replacement only) and hire of passenger motor vehicles; purchase (not to exceed two for replacement only) and maintenance and operation of aircraft; firearms and ammunition; refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto; reimbursement of the General Services Administration for security guard services for protection of confidential files; and maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children, including return of such persons to place of bona fide residence or to such other place as may be authorized by the Attorney General; \$39,000,000: *Provided*, That so long as the position is held by the present incumbent the compensation of the Deputy Commissioner, Immigration and Naturalization Service, shall be \$15,000 per annum.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions and their support in Alaska; not to exceed \$13,500 for expenses of attendance at meetings of organizations concerned with the purposes of this appropriation; purchase of not to exceed eight passenger motor vehicles for replacement only; compilation of statistics relating to prisoners in Federal and non-Federal penal and correctional institutions; furnishing of insignia, uniforms, and other distinctive wearing apparel necessary for employees in the performance of their official duties; payment pursuant to law of claims of employees for loss, damage, or destruction of personal property (31 U. S. C. 238); firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 7 of the Act of July 28, 1950 (5 U. S. C. 341f); \$26,385,000: *Provided*, That there may be transferred to the Public Health Service such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditure by that Service for medical relief for inmates of Federal penal and correctional institutions.

63 Stat. 167.

64 Stat. 381.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions except in the Territory of Alaska, including necessary clothing and medical aid, and payment of rewards; \$2,475,000.

OFFICE OF ALIEN PROPERTY

SALARIES AND EXPENSES

The Attorney General, or such officer as he may designate, is hereby authorized to pay out of any funds or other property or interest vested in him or transferred to him pursuant to or with respect to the Trading With the Enemy Act of October 6, 1917, as amended (50 U. S. C. App.), necessary expenses incurred in carrying out the powers and duties conferred on the Attorney General pursuant to said Act: *Provided*, That not to exceed \$3,000,000 shall be available in the current fiscal year for the general administrative expenses of the Office of Alien Property, including rent of private or Government-owned space in the District of Columbia; and expenses of attendance at meetings of organizations concerned with the purposes of this authorization: *Provided further*, That on or before November 1 of the current fiscal year, the Attorney General shall make a report to the Appropriations Committees of the Senate and the House of Representatives giving detailed information on all administrative and nonadministrative expenses incurred during the next preceding fiscal year in connection with the activities of the Office of Alien Property: *Provided further*, That of the total amount herein authorized the amount of \$100,000 is to be transferred to the appropriation for "Salaries and expenses, general administration", Department of Justice.

40 Stat. 411.
50 USC app. 1.Report to Con-
gressional Com-
mittees.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 202. The minimum annual salary of any United States Attorney, any Assistant United States Attorney, or any special attorney or special assistant, as set forth in section 202 of the Department of

U. S. attorneys,
etc.
Minimum salary.

- 67 Stat. 375. Justice Appropriation Act, 1954, shall not apply to any such official after June 30, 1954.
- License requirements for attorneys. SEC. 203. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, Territory, or the District of Columbia.
- Reimbursement to U. S. SEC. 204. Sixty per centum of the expenditures for the offices of the of the United States attorney and the United States marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.
- Attendance at meetings. SEC. 205. Appropriations and authorizations made in this title which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.
- Services. SEC. 206. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).
- 60 Stat. 810. Fallbrook Public Utility District, Calif. SEC. 207. None of the funds appropriated by this title may be used in the preparation or prosecution of the suit in the United States District Court for the Southern District of California, Southern Division, by the United States of America against Fallbrook Public Utility District, a public service corporation of the State of California, and others: *Provided*, That this section shall have no force and effect after the effective date of H. R. 5731, Eighty-third Congress, as finally enacted into law.
- Post, p. 575. This title may be cited as the "Department of Justice Appropriation Act, 1955".
- Citation of title.

TITLE III—DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

Salaries and expenses: For necessary expenses of the Office of the Secretary of Commerce (hereafter in this title referred to as the Secretary) including teletype news service (not exceeding \$1,000); \$2,050,000; and in addition, in order to provide for additional organization and management surveys of the Department of Commerce, the Secretary may transfer not to exceed \$100,000 to this appropriation from any other appropriations available to the Department of Commerce for salaries and expenses for the current fiscal year.

BUREAU OF THE CENSUS

Salaries and expenses: For expenses necessary for collecting, compiling, and publishing current census statistics provided for by law; and for general administration, including enumerators at rates to be fixed without regard to the Classification Act of 1949, as amended; \$6,200,000.

63 Stat. 954.
5 USC 1071 note.

Census of agriculture: For expenses necessary for taking, compiling, and publishing the 1954 Census of Agriculture, as authorized by law, including personal services by contract or otherwise at rates to be fixed by the Secretary of Commerce without regard to the Classification Act of 1949, as amended; and additional compensation of Federal employees temporarily detailed for field work under this appropriation; \$16,000,000, to become immediately available and to remain available until December 31, 1956 (13 U. S. C. 216, as amended by 66 Stat. 736).

CIVIL AERONAUTICS ADMINISTRATION

Salaries and expenses: For necessary expenses of the Civil Aeronautics Administration in carrying out the provisions of the Civil Aeronautics Act of 1938, as amended (49 U. S. C. 401), the Act of August 8, 1950 (49 U. S. C. 457), and other Acts incident to the enforcement of safety regulations; maintenance and operation of air navigation facilities and air traffic control; furnishing advisory service to States and other public and private agencies in connection with the construction or improvement of airports and landing areas; and the disposal of surplus airports; including hire of aircraft (not exceeding \$225,000); the operation and maintenance of eighty aircraft; fees and mileage of expert and other witnesses; and purchase and repair of skis and snowshoes; \$97,650,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, and other public authorities for expenses incurred in the maintenance and operation of airport traffic control towers.

52 Stat. 973.

64 Stat. 417.

Funds from
States, etc.

Establishment of air-navigation facilities: For an additional amount for the acquisition and establishment by contract or purchase and hire of air-navigation facilities, including the equipment of additional civil airways for day and night flying; the construction of additional necessary lighting, radio, and other signaling and communicating structures and apparatus; the alteration and modernization of existing air-navigation facilities; the acquisition of the necessary sites by lease, condemnation or grant; the construction and furnishing of quarters and related accommodations for officers and employees of the Civil Aeronautics Administration stationed at remote localities not on foreign soil where such accommodations are not otherwise available; \$5,000,000, to remain available until expended: *Provided*, That transfers may be made from this appropriation to the appropriation "Salaries and expenses, Civil Aeronautics Administration", for costs of maintenance and operation of aircraft for initial flight checking of facilities established under this appropriation (not to exceed \$119,000); for necessary expenses in connection with the transportation by air to and from and within the Territories of the United States of materials and equipment secured under this appropriation (not to exceed \$115,000); and for necessary administrative costs (not to exceed \$250,000).

Transfers.

Technical development and evaluation: For expenses necessary in carrying out the provisions of the Civil Aeronautics Act of 1938, as amended (49 U. S. C. 401), relative to such developmental work and service testing as tends to the creation of improved air-navigation facilities, including landing areas, aircraft, aircraft engines, propellers, appliances, personnel, and operation methods; acquisition of necessary sites by lease or grant; and operation and maintenance of five aircraft, which shall be in addition to the number authorized herein under the appropriation for "Salaries and expenses, Civil Aeronautics Administration"; \$700,000.

52 Stat. 973.

Federal-aid airport program, Federal Airport Act: Not to exceed \$750,000 of the unobligated balance of the appropriation made available under this head in the Department of Commerce Appropriation Act, 1953, shall be available during the current fiscal year for expenses necessary for administration of the Federal Airport Act of 1946, as amended (49 U. S. C. 1101-1119), including maintenance and operation of aircraft, and of said amount not to exceed \$125,000 may be transferred to the appropriation for the current fiscal year for "Salaries and expenses, Civil Aeronautics Administration".

66 Stat. 563.

60 Stat. 170.

Maintenance and operation of public airports, Territory of Alaska: For expenses necessary for the maintenance, improvement, and oper-

62 Stat. 278.

ation of public airports in the Territory of Alaska, as authorized by law (48 U. S. C. 485 c-h); including arms and ammunition; and purchase, repair, and cleaning of uniforms; \$600,000.

Air navigation development: For expenses necessary for planning and developing a national system of aids to air navigation and air traffic control common to military and civil air navigation, including research, experimental investigations, purchase and development, by contract or otherwise, of new types of air navigation aids (including plans, specifications and drawings); hire of aircraft; acquisition of necessary sites by lease or grant; payments in advance under contracts for research or development work; and not to exceed \$50,000 for administrative expenses; \$1,050,000.

CIVIL AERONAUTICS BOARD

Salaries and expenses: For necessary expenses of the Civil Aeronautics Board, including contract stenographic reporting services; employment of temporary guards on a contract or fee basis; salaries and traveling expenses of employees detailed to attend courses of training conducted by the Government or industries serving aviation; purchase (not to exceed two for replacement only) of passenger motor vehicles; and hire, operation, maintenance, and repair of aircraft; \$3,777,000.

52 Stat. 998.
67 Stat. 644.
5 USC 1332-15
note.

Payments to air carriers: For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Civil Aeronautics Act of 1938, as amended (49 U. S. C. 486), as is payable by the Civil Aeronautics Board pursuant to Reorganization Plan No. 10 of 1953; \$40,000,000, to remain available until expended: *Provided*, That the unexpended balance of the amount transferred, pursuant to said Plan, from the Post Office Department to the Civil Aeronautics Board for the foregoing purposes, shall be merged with this appropriation.

COAST AND GEODETIC SURVEY

61 Stat. 787.

Salaries and expenses: For expenses necessary to carry out the provisions of the Act of August 6, 1947 (33 U. S. C. 883a-883i), including lease of sites and the erection of temporary buildings for tide, magnetic or seismological observations; hire of aircraft; operation, maintenance, and repair of an airplane; extra compensation at not to exceed \$15 per month to each member of the crew of a vessel when assigned duties as recorder or instrument observer, and at not to exceed \$1 per day for each station to employees of other Federal agencies while making oceanographic observations or tending seismographs; pay, allowances, gratuities, transportation of dependents and household effects, and payment of funeral expenses, as authorized by law, for not to exceed 185 commissioned officers on the active list; payments under the Uniform Services Contingency Option Act of 1953; and pay of commissioned officers retired in accordance with law; \$10,200,000: *Provided*, That during the current fiscal year, this appropriation shall be reimbursed for press costs and costs of paper for charts published by the Coast and Geodetic Survey and furnished for the official use of the military departments of the Department of Defense.

67 Stat. 501.
37 USC 371 note.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Salaries and expenses: For necessary expenses of the Business and Defense Services Administration and the Defense Air Transportation Administration, including transportation and not to exceed \$15 per diem in lieu of subsistence for persons serving without compensation

while away from their homes or regular places of business, \$6,320,000, of which \$72,000 shall be available for the Defense Air Transportation Administration.

BUREAU OF FOREIGN COMMERCE

Salaries and expenses: For necessary expenses of the Bureau of Foreign Commerce, including the purchase of commercial and trade reports; not to exceed \$1,200 for payment of membership dues incident to participation, as authorized by the Secretary of Commerce, in international travel organizations connected with the work of the Bureau; \$2,000,000.

Export control: For expenses necessary for carrying out the provisions of the Export Control Act of 1949, as amended, relating to export controls, including awards of compensation to informers under said Act and as authorized by the Act of August 13, 1953 (22 U. S. C. 401), \$3,600,000, of which not to exceed \$900,000 may be transferred to the Bureau of Customs, Treasury Department, for enforcement of the export control program, and of which not to exceed \$100,000 may be transferred to the appropriation for "Salaries and expenses" under the Office of the Secretary.

63 Stat. 7.
50 USC app.
2021 note.

67 Stat. 577.

OFFICE OF BUSINESS ECONOMICS

Salaries and expenses: For necessary expenses of the Office of Business Economics, \$900,000.

MARITIME ACTIVITIES

Operating-differential subsidies: For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, \$65,000,000, to remain available until expended: *Provided*, That to the extent that the operating-differential subsidy accrual (computed on the basis of parity) is represented on the operator's books by a contingent accounts receivable item against the United States as a partial or complete offset to the recapture accrual, the operator (1) shall be excused from making deposits in the special reserve fund, and (2) as to the amount of such earnings the deposit of which is so excused shall be entitled to the same tax treatment as though it had been deposited in said special reserve fund. To the extent that any amount paid to the operator by the United States reduces the balance in the operator's contingent receivable account against the United States, such amount, unless it is forthwith deposited in the fund, shall be considered as withdrawn under section 607 (h) of the Merchant Marine Act, 1936, as amended: *Provided further*, That nothing contained in this Act, or in any prior appropriation Act, shall be construed to affect the authority provided in section 603 (a) of the Merchant Marine Act, 1936, as amended, (1) to grant operating-differential subsidies on a long-term basis, and (2) to obligate the United States to make future payments in accordance with the terms of such operating-differential subsidy contracts: *Provided further*, That no part of the foregoing appropriation shall be available for obligation, nor any obligation made, for the payment of an operating-differential subsidy for any number of voyages, during the current fiscal year, in excess of sixteen hundred, which number shall include the number of voyages under contracts hereafter awarded and of which not less than one hundred and twelve shall be for operators who have not held contracts prior to July 1, 1952.

Salaries and expenses: For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered

49 Stat. 1985.
46 USC 1245.

46 USC 1177.

46 USC 1173.

46 USC 1245.

by the Federal Maritime Board and the Maritime Administration, \$13,500,000, within limitations as follows:

Administrative expenses, including not to exceed \$1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; and ship structure research, testing and models; \$5,955,000;

Maintenance of shipyard facilities and operation of warehouses, \$1,085,000;

Reserve fleet expenses, \$6,460,000.

53 Stat. 1182.

Maritime training: For training cadets as officers of the merchant marine at the Merchant Marine Academy at Kings Point, New York, including pay and allowances for personnel of the United States Maritime Service comparable to those of the Coast Guard as authorized by law (46 U. S. C. 1126, 14 F. R. 7707); not to exceed \$2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; and not to exceed \$30,000 for transfer to applicable appropriations of the Public Health Service for services rendered the Maritime Administration; \$2,200,000, including uniform and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed \$200 per cadet: *Provided*, That except as herein provided for uniform and textbook allowances this appropriation shall not be used for compensation or allowances for cadets.

36 Stat. 1353.

State marine schools: To reimburse the State of California, \$47,500; the State of Maine, \$47,500; the State of Massachusetts, \$47,500; and the State of New York, \$47,500; for expenses incurred in the maintenance and support of marine schools in such States as provided in the Act authorizing the establishment of marine schools, and so forth, approved March 4, 1911, as amended (34 U. S. C. 1121-1123); \$149,800 for the maintenance and repair of vessels loaned by the United States to the said States for use in connection with such State marine schools; and \$320,200 for allowances for uniforms, textbooks, and subsistence of cadets at State marine schools, to be paid in accordance with regulations established pursuant to law (46 U. S. C. 1126 (b)); \$660,000.

53 Stat. 1183.

61 Stat. 697.

War Shipping Administration liquidation: Not to exceed \$6,000,000 of the unexpended balance of the appropriation to the Secretary of the Treasury in the Second Supplemental Appropriation Act, 1948, for liquidation of obligations approved by the General Accounting Office as properly incurred against funds of the War Shipping Administration prior to January 1, 1947, is hereby continued available during the current fiscal year, and shall be available for the payment of obligations incurred against the working fund titled: "Working fund, Commerce, War Shipping Administration functions, December 31, 1946".

No additional vessels shall be allocated under charter, nor shall any vessel be continued under charter by reason of any extension of chartering authority beyond June 30, 1949, unless the charterer shall agree that the Maritime Administration shall have no obligation upon redelivery to accept or pay for consumable stores, bunkers and slop-chest items, except with respect to such minimum amounts of bunkers as the Maritime Administration considers advisable to be retained on the vessel and that prior to such redelivery all consumable stores, slop-chest items and bunkers over and above such minimums shall be removed from the vessel by the charterer at his own expense.

No money made available to the Department of Commerce, for maritime activities, by this or any other Act shall be used in payment for a vessel the title to which is acquired by the Government either

by requisition or purchase, or the use of which is taken either by requisition or agreement, or which is insured by the Government and lost while so insured, unless the price or hire to be paid therefor (except in cases where section 802 of the Merchant Marine Act, 1936, as amended, is applicable) is computed in accordance with subsection 902 (a) of said Act, as that subsection is interpreted by the General Accounting Office.

46 USC 1212.

46 USC 1242.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

49 Stat. 1985.
46 USC 1245.

PATENT OFFICE

Salaries and expenses: For necessary expenses of the Patent Office, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed \$75 per diem (not to exceed \$25,000); and defense of suits instituted against the Commissioner of Patents; \$11,500,000.

60 Stat. 810.

BUREAU OF PUBLIC ROADS

General administrative expenses: Necessary expenses of administration, including advertising (including advertising in the city of Washington for work to be performed in areas adjacent thereto), and the maintenance and repairs of experimental highways, shall be paid, in accordance with law, from appropriations available to the Bureau of Public Roads.

Of the total amount available from appropriations of the Bureau of Public Roads for general administrative expenses, pursuant to the provisions of section 21 of the Act of November 9, 1921, as amended (23 U. S. C. 21), \$100,000 shall be available for all necessary expenses to enable the President to utilize the services of the Bureau of Public Roads in fulfilling the obligations of the United States under the Convention on the Pan-American Highway Between the United States and Other American Republics (51 Stat. 152), cooperation with several governments, members of the Pan American Union, in connection with the survey and construction of the Inter-American Highway, and for performing engineering service in Pan-American countries for and upon the request of any agency or governmental corporation of the United States.

42 Stat. 217.

Federal-aid highways: For carrying out the provisions of the Act of July 11, 1916, as amended and supplemented (23 U. S. C. 1-22, 24-105, 107-117), to remain available until expended, \$500,000,000, which sum is composed of \$360,500,000, the balance of the amount authorized to be appropriated for the fiscal year 1953, \$136,500,000,

39 Stat. 355.
23 USC 9a note.

52 Stat. 634; 57
Stat. 561; 64 Stat.
789.

42 Stat. 218.

Restriction.
Report.

a part of the amount authorized to be appropriated for the fiscal year 1954, and \$739,424, \$364,059 and \$1,896,517, the latter sums being for reimbursement of the sums expended for the repair or reconstruction of highways and bridges which have been damaged or destroyed by floods, hurricanes, or landslides, as provided by section 4 of the Act approved June 8, 1938, section 7 of the Act approved July 13, 1943, and section 9 of the Act approved September 7, 1950, as amended (23 U. S. C. 13a and 13b).

Forest highways: For expenses, not otherwise provided for, necessary for carrying out the provisions of section 23 of the Federal Highway Act of November 9, 1921, as amended (23 U. S. C. 23, 23a), to remain available until expended, \$15,000,000, which sum is composed of \$8,400,000, the remainder of the amount authorized to be appropriated for the fiscal year 1953, and \$6,600,000, a part of the amount authorized to be appropriated for the fiscal year 1954: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance, but the total cost of any such item under this authorization shall not exceed \$15,000.

Inter-American Highway: For necessary expenses of continuing the survey and construction of the Inter-American Highway, in accordance with the provisions of the Act of December 26, 1941 (55 Stat. 860), as amended by section 6 of the Federal-Aid Highway Act of 1952 (66 Stat. 158), \$1,000,000, to remain available until expended: *Provided*, That no part of this appropriation shall be allocated for expenditures in a particular country except with the approval of the President and a report to the Appropriations Committees of the House and Senate.

Rama Road, Nicaragua: For necessary expenses for the survey and construction of the Rama Road, Nicaragua, in accordance with the provisions of section 5 of the Federal-Aid Highway Act of 1952 (66 Stat. 160), \$1,000,000, to remain available until expended.

General provisions—Bureau of Public Roads: None of the money appropriated for the work of the Bureau of Public Roads during the current fiscal year shall be paid to any State on account of any project on which convict labor shall be employed, but this provision shall not apply to labor performed by convicts on parole or probation.

During the current fiscal year authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads may be performed for other Government agencies, cooperating foreign countries and State cooperating agencies and reimbursement for such services (which may include depreciation on engineering and road-building equipment used) shall be credited to the appropriation concerned.

During the current fiscal year appropriations for the work of the Bureau of Public Roads shall be available for expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment for distribution to projects under the supervision of the Bureau of Public Roads, or for sale or distribution to other Government activities, cooperating foreign countries and State cooperating agencies, and the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) may be reimbursed to current applicable appropriations.

Appropriations to the Bureau of Public Roads may be used in emergency for medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work under that Bureau, and for temporary services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$100 per diem.

60 Stat. 810.

NATIONAL BUREAU OF STANDARDS

For expenses necessary in carrying out the provisions of the Act approved March 3, 1901, as amended (15 U. S. C. 271–278c), including improvements to buildings, grounds, and other plant facilities, as authorized by section 2 of the Act of July 21, 1950 (15 U. S. C. 286); building of temporary experimental structures; and not to exceed \$50,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); as follows:

31 Stat. 1449.

Operation and administration: For the general operation and administration of the Bureau; improvement and care of the grounds; plant equipment; and maintenance and protection of buildings, including repairs and alterations thereto; \$1,000,000.

64 Stat. 371.

60 Stat. 810.

Research and testing: For research, testing, and other activities as authorized by the Act of July 22, 1950 (15 U. S. C. 272), and not otherwise provided for, \$3,150,000.

64 Stat. 371.

Radio propagation and standards: For development and maintenance of primary standards of measurement of electrical quantities at radio frequencies; calibrating and certifying radio measuring instruments, apparatus, and standards in terms of the national primary standards; investigation of the phenomena affecting the propagation of radio waves; and the broadcasting of radio signals of standard frequency; \$2,100,000: *Provided*, That during the current fiscal year the maximum base rate of compensation for employees appointed pursuant to the Act of July 21, 1950 (15 U. S. C. 283), shall be \$7,040 per annum.

64 Stat. 370.
15 USC 285.

Construction of laboratories (liquidation of contract authorization): For payment of obligations incurred pursuant to authority granted under this head in the Department of Commerce Appropriation Act, 1951 (64 Stat. 629), \$115,000.

WEATHER BUREAU

Salaries and expenses: For expenses necessary for the Weather Bureau, including maintenance and operation of aircraft; not to exceed \$25,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and not to exceed \$10,000 for maintenance of a printing office in the city of Washington, as authorized by law; \$24,750,000: *Provided*, That during the current fiscal year, the maximum amount authorized under section 3 (a) of the Act of June 2, 1948 (15 U. S. C. 327), for extra compensation to employees of other Government agencies for taking and transmitting meteorological observations, shall be \$5 per day; and the maximum base rate of pay authorized under section 3 (b) of said Act, for employees conducting meteorological investigations in the Arctic region, shall be \$6,000 per annum, except that not more than five of such employees at any one time may receive a base rate of \$8,500 per annum, and such employees may be appointed without regard to the Classification Act of 1949.

60 Stat. 810.

62 Stat. 286.

63 Stat. 954.
5 USC 1071 note.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

63 Stat. 907. SEC. 302. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (5 U. S. C. 596a), to the extent and in the manner prescribed by said Act.

60 Stat. 810. SEC. 303. Appropriations in this title available for salaries and expenses shall be available for expenses of attendance at meetings of organizations concerned with the activities for which the appropriations are made; hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but, unless otherwise specified, at rates for individuals not to exceed \$50 per diem.

5 USC 1332-15 note. SEC. 304. There shall be hereafter in the Department of Commerce, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of Commerce, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall be subject in all respects to the provisions of the Act of July 15, 1947 (61 Stat. 326), as amended (5 U. S. C. 592a), relating to Assistant Secretaries of Commerce. Section 3 of Reorganization Plan Numbered 5 of 1950, as amended (64 Stat. 1263; 66 Stat. 121), is hereby repealed.

Management studies. Ante, p. 422.

Citation of title.

SEC. 305. No part of the appropriations made available in this title shall be available for management studies except the \$100,000 authorized for transfer to the Office of the Secretary.

This title may be cited as the "Department of Commerce Appropriation Act, 1955".

TITLE IV—UNITED STATES INFORMATION AGENCY

67 Stat. 642. 5 USC 1332-15 note. Salaries and expenses: For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan Numbered 8 of 1953, to carry out international information activities, and to administer the informational media guarantee program authorized by section 111 (b) (3) of the Economic Cooperation Act of 1948, as amended and continued by section 7 of the Mutual Security Act of 1952 (22 U. S. C. 1509), including rents in the District of Columbia; employment, without regard to the civil-service and classification laws, of (1) persons on a temporary basis (not to exceed \$120,000), (2) aliens within the United States, and (3) aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages (such aliens to be investigated for such employment in accordance with procedures established by the Secretary of State and the Attorney General); travel expenses of aliens employed abroad for service in the United States to and from the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158); expenses of attendance at meetings concerned with activities provided for under this appropriation (not to exceed \$6,000); entertainment within the United States (not to exceed \$1,000); hire of passenger motor vehicles; insurance of official motor vehicles in foreign countries when required by the law of such

67 Stat. 161.

60 Stat. 999.

countries; purchase of space in publications abroad, without regard to the provisions of law set forth in 44 U. S. C. 322; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; advance of funds notwithstanding section 3648 of the Revised Statutes as amended; purchase of caps for personnel employed abroad; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; employment of aliens, by contract, for service abroad; purchase of ice and drinking water abroad; payment of excise taxes on negotiable instruments abroad; loss by exchange; cost of transporting to and from a place of storage and the cost of storing the furniture and household and personal effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Director may prescribe; actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities authorized under this appropriation; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, script-writing, translation, and engineering services, by contract or otherwise; maintenance, improvement, and repair of properties used for information activities in foreign countries; fuel and utilities for Government-owned or leased property abroad; rental or lease for periods not exceeding five years of offices, buildings, grounds, and living quarters for officers and employees engaged in informational activities abroad; reorientation, and rehabilitation materials and equipment for Germany and Austria; and purchase of objects for presentation to foreign governments, schools, or organizations; \$77,114,000, of which \$3,200,000 shall be derived by transfer from the unobligated balance in the account "International Information Activities, United States Information Agency", and of which not less than \$8,000,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States and of which not less than \$200,000 shall be available for contracts with one or more private international broadcasting licensees for the purpose of developing and broadcasting under private auspices, but under the general supervision of the United States Information Agency, radio programs to Latin America, Western Europe, as well as other areas of the free world, which programs shall be designed to cultivate friendships with the peoples of the countries of those areas, and to build improved international understanding: *Provided*, That not to exceed \$35,000 may be used for representation abroad: *Provided further*, That this appropriation shall be available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current year:

20 Stat. 216.

60 Stat. 810.

62 Stat. 983.

31 USC 529.

Information es-
tablishments a-
broad.

Provided further, That funds may be exchanged for payment of expenses in connection with the operation of information establishments abroad without regard to the provisions of section 3651 of the Revised Statutes (31 U. S. C. 543): *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be exchanged or sold, pursuant to section 201 (c) of the Act of June 30, 1949 (40 U. S. C. 481 (c)), and the exchange allowances or proceeds of such sales shall be available for replacement of an equal number of such vehicles and the cost, including the exchange allowance of each such replacement, except buses and station wagons, shall not exceed \$1,400: *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U. S. C. 665), the United States Information Agency is authorized in making contracts for the use of international short-wave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities: *Provided further*, That existing appointments and assignments to the Foreign Service Reserve for the purposes of foreign information and educational activities which expire during the current fiscal year may be extended for a period of one year in addition to the period of appointment or assignment otherwise authorized: *Provided further*, That funds appropriated herein shall be available for payment to private organizations abroad in pursuance of contracts entered into for the processing and distribution of motion-picture films.

No appropriation in this Act shall be available for more than twenty employees and two studios for the operation of the International Broadcasting Service in New York City after December 31, 1954.

TITLE V—CORPORATIONS

The following corporations are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Budget for the fiscal year 1955 for each such corporation, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

FEDERAL PRISON INDUSTRIES, INCORPORATED

Federal Prison Industries, Incorporated: Not to exceed \$377,000 of the funds of the Corporation shall be available for its administrative expenses, and not to exceed \$473,000 for the expenses of vocational training of prisoners, both amounts to be computed on an accrual basis and to be determined in accordance with the Corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and

expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the Corporation or in which it has an interest.

INLAND WATERWAYS CORPORATION

Inland Waterways Corporation (administered under the supervision and direction of the Secretary of Commerce): Not to exceed \$14,000 shall be available for administrative expenses to be determined in the manner set forth under the title "General expenses" in the Uniform System of Accounts for Carriers by Water of the Interstate Commerce Commission (effective January 1, 1947).

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation included in this Act, shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be addition to, and not in substitution for, any other provisions of existing law.

Strikes or overthrow of Government.

Affidavit.

Penalty.

SEC. 602. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not herefore authorized by the Congress.

Publicity, etc.

SEC. 603. No part of any appropriation contained in this Act shall be used to pay any expenses incident to or in connection with participation in the International Materials Conference.

International Materials Conference.

This Act may be cited as the "Departments of State, Justice, and Commerce and the United States Information Agency Appropriation Act, 1955".

Short title.

Approved July 2, 1954.

Public Law 472

CHAPTER 457

July 2, 1954
[H. R. 9447]

AN ACT

Making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related independent agencies, for the fiscal year ending June 30, 1955, and for other purposes.

Departments of
Labor, and Health,
Education, and
Welfare Appropria-
tion Act, 1955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, and Health, Education, and Welfare, and related independent agencies, for the fiscal year ending June 30, 1955, namely:

TITLE I—DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

60 Stat. 810.

Salaries and expenses: For expenses necessary for the Office of the Secretary of Labor (hereafter in this title referred to as the Secretary), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); teletype news service; and payment in advance when authorized by the Secretary for dues or fees for library membership in organizations whose publications are available to members only or to members at a price lower than to the general public; \$1,327,000, of which not more than \$85,000 shall be for international labor affairs.

OFFICE OF THE SOLICITOR

Salaries and expenses: For expenses necessary for the Office of the Solicitor, \$1,450,000.

BUREAU OF LABOR STANDARDS

63 Stat. 865.

61 Stat. 136.

Salaries and expenses: For expenses necessary for the promotion of industrial safety, employment stabilization, and amicable industrial relations for labor and industry; performance of safety functions of the Secretary under the Federal Employees' Compensation Act, as amended (5 U. S. C. 784 (c)); performance of the functions vested in the Secretary by title I of the Labor-Management Relations Act, 1947 (29 U. S. C. 159 (f) and (g)); not to exceed \$50,000 for improving the conditions of migratory labor; and not less than \$75,000 for the work of the President's Committee on National Employ the Physically Handicapped Week, as authorized by the Act of July 11, 1949 (63 Stat. 409) and provided further that no part of the appropriation for the President's Committee shall be subject to reduction or transfer to any other department or agency under the provisions of any existing law; including purchase of reports and of material for informational exhibits and expenses of attendance of cooperating officials and consultants at conferences concerned with the work of the Bureau of Labor Standards; \$722,500.

BUREAU OF VETERANS' REEMPLOYMENT RIGHTS

54 Stat. 890.
55 Stat. 626.
50 USC app. 351.
54 Stat. 858.
50 USC app. 401.
62 Stat. 614; 65
Stat. 86.
50 USC app. 459.

Salaries and expenses: For expenses necessary to render assistance in connection with the exercise of reemployment rights under section 8 of the Selective Training and Service Act of 1940, as amended (50 U. S. C. App. 308), the Service Extension Act of 1941, as amended, the Army Reserve and Retired Personnel Service Law of 1940, as amended, and section 9 of the Universal Military Training and Service Act, and, under the Act of June 23, 1943, as amended (50

U. S. C. App. 1472), of persons who have performed service in the Merchant Marine, \$300,000.

57 Stat. 162.

BUREAU OF APPRENTICESHIP

Salaries and expenses: For expenses necessary to enable the Secretary to conduct a program of encouraging apprentice training as authorized by the Act of August 16, 1937 (29 U. S. C. 50), \$3,100,000.

50 Stat. 664.

BUREAU OF EMPLOYMENT SECURITY

Salaries and expenses: For expenses necessary for the general administration of the employment service and unemployment compensation programs, including temporary employment of persons, without regard to the civil-service laws, for the farm placement migratory labor program; and not to exceed \$10,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$4,705,000, of which \$1,100,000 may be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944.

60 Stat. 810.

58 Stat. 293.
38 USC 695-695f.

Grants to States for unemployment compensation and employment service administration: For grants in accordance with the provisions of the Act of June 6, 1933, as amended (29 U. S. C. 49-49n), for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944, for grants to the States as authorized in title III of the Social Security Act, as amended (42 U. S. C. 501-503), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such State in lieu of grants for such purpose, for necessary expenses in connection with the operation of employment office facilities and services in the District of Columbia, and for expenses not otherwise provided for, necessary for carrying out title IV of the Veterans' Readjustment Assistance Act of 1952 (66 Stat. 684), \$216,400,000, of which \$16,400,000 shall be available only to the extent that the Secretary finds necessary to meet increased costs of administration resulting from changes in a State law or increases in the numbers of claims filed and claims paid over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments: *Provided*, That notwithstanding any provision to the contrary in section 302 (a) of the Social Security Act, as amended, the Secretary of Labor shall from time to time certify to the Secretary of the Treasury for payment to each State found to be in compliance with the requirements of the Act of June 6, 1933, and, except in the case of Puerto Rico and the Virgin Islands, with the provisions of section 303 of the Social Security Act, as amended, such amounts as he determines to be necessary for the proper and efficient administration of its unemployment compensation law and of its public employment offices: *Provided further*, That such amounts as may be agreed upon by the Department of Labor and the Post Office Department shall be used for the payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants herefrom.

48 Stat. 113.

38 USC 695b.
49 Stat. 626.

38 USC 991-999.

42 USC 502.

42 USC 503.

In carrying out the provisions of said Act of June 6, 1933, the provisions of section 303 (a) (1) of the Social Security Act, as amended, relating to the establishment and maintenance of personnel standards on a merit basis, shall apply.

None of the funds appropriated by this title to the Bureau of Employment Security for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies including

the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under title III of the Social Security Act, as amended, and under the Act of June 6, 1933, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title and under such Act of June 6, 1933, to be charged to the appropriation therefor for that fiscal year.

49 Stat. 626.
42 USC 501-503.
48 USC 113.
29 USC 49-49n.

Unemployment compensation for veterans: For payments to unemployed veterans as authorized by title IV of the Veterans' Readjustment Assistance Act of 1952, \$55,600,000.

66 Stat. 684.
38 USC 991-999.

Unemployment compensation for veterans, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States, as authorized by title IV of the Veterans' Readjustment Assistance Act of 1952, such sums as may be necessary to pay benefits for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year.

Salaries and expenses, Mexican farm labor program: For expenses, not otherwise provided for, necessary to carry out the functions of the Department of Labor under the Act of July 12, 1951 (Public Law 78), as amended, including temporary employment of persons without regard to the civil service laws, \$1,581,000.

65 Stat. 119.
7 USC 1461-1468.

BUREAU OF EMPLOYEES' COMPENSATION

Salaries and expenses: For necessary administrative expenses and not to exceed \$112,000 for the Employees' Compensation Appeals Board, \$2,030,000, together with not to exceed \$90,000 to be derived from the War Claims Fund created by section 13 (a) of the War Claims Act of 1948 (50 U. S. C. 2012).

62 Stat. 1247.
50 USC app.
2012.

Employees' compensation fund: For the payment of compensation and other benefits and expenses (except administrative expenses) authorized by law and accruing during the current or any prior fiscal year, including payments to other Federal agencies for medical and hospital services pursuant to agreement approved by the Bureau of Employees' Compensation; continuation of payment of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the advancement of costs for enforcement of recoveries in third-party cases; the furnishing of medical and hospital services and supplies, treatment, and funeral and burial expenses, including transportation and other expenses incidental to such services, treatment, and burial, for such enrollees of the Civilian Conservation Corps as were certified by the Director of such Corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not otherwise entitled thereto as civilian employees of the United States, and the limitations and authority of the Act of September 7, 1916, as amended (5 U. S. C. 796), shall apply in providing such services, treatment, and expenses in such cases; such amount as may be required during the current fiscal year: *Provided*, That this appropriation shall be available for payments

60 Stat. 696.

39 Stat. 742.

pursuant to sections 4 (c) and 5 (f) of the War Claims Act of 1948 (50 U. S. C. 2012) and shall be credited with advances or reimbursements therefor from the War Claims Fund created by section 13 (a) of said War Claims Act of 1948.

50 USC app.
2003, 2004.

BUREAU OF LABOR STATISTICS

Salaries and expenses: For expenses necessary for the work of the Bureau, including advances or reimbursement to State, Federal, and local agencies and their employees for services rendered, and not to exceed \$15,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$5,350,000.

60 Stat. 810.

WOMEN'S BUREAU

Salaries and expenses: For expenses necessary for the work of the Women's Bureau, as authorized by the Act of June 5, 1920 (29 U. S. C. 11-16), including purchase of reports and material for informational exhibits, \$348,000.

41 Stat. 987.

WAGE AND HOUR DIVISION

Salaries and expenses: For expenses necessary for performing the duties imposed by the Fair Labor Standards Act of 1938, as amended, and the Act to provide conditions for the purchase of supplies and the making of contracts by the United States, approved June 30, 1936, as amended (41 U. S. C. 35-45), including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, and not to exceed \$3,000 for expenses of attendance of cooperating officials and consultants at conferences concerned with the work of the Division, \$6,116,500.

52 Stat. 1060.
29 USC 201.

49 Stat. 2036.

GENERAL PROVISIONS

SEC. 102. Appropriations under this title available for salaries and expenses shall be available for stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and for expenses of attendance at meetings concerned with the function or activity for which any such appropriation is made.

60 Stat. 810.

This title may be cited as the "Department of Labor Appropriation Act, 1955".

Citation of title.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

AMERICAN PRINTING HOUSE FOR THE BLIND

Education of the blind: For carrying out the Act of August 4, 1919, as amended (20 U. S. C. 101), \$205,000.

41 Stat. 272.

COLUMBIA INSTITUTION FOR THE DEAF

Salaries and expenses: For the partial support of Columbia Institution for the Deaf, including personal services and miscellaneous expenses, and repairs and improvements, \$410,000: *Provided*, That the Columbia Institution for the Deaf shall be paid by the District of Columbia, in advance at the beginning of each quarter, at the rate of \$1,295 per school year for each student attending said Institution pursuant to the Act of March 1, 1901 (31 D. C. Code 1008).

31 Stat. 844.

Construction: For the construction of a library-class room building at the Columbia Institution for the Deaf \$240,000, to remain available until expended; and for alterations, \$19,000; in all, \$259,000.

FOOD AND DRUG ADMINISTRATION

52 Stat. 1040;
29 Stat. 604; 44
Stat. 1101, 1406;
42 Stat. 1486.

Salaries and expenses: For necessary expenses for carrying out the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301–392); the Tea Importation Act, as amended (21 U. S. C. 41–50); the Import Milk Act (21 U. S. C. 141–149); the Federal Caustic Poison Act (15 U. S. C. 401–411); and the Filled Milk Act, as amended (21 U. S. C. 61–64); reporting and illustrating the results of investigations; purchase of chemicals, apparatus, and scientific equipment; not to exceed \$2,000 for payment in advance for special tests and analyses by contract; and payment of fees, travel, and per diem in connection with studies of new developments pertinent to food and drug enforcement operations; \$5,100,000.

52 Stat. 1049;
55 Stat. 851; 59
Stat. 463.

Salaries and expenses, certification and inspection services: For expenses necessary for the certification or inspection of certain products in accordance with sections 406, 504, 506, 507, 604, 702A, and 706 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 346, 354, 356, 357, 364, 372a, and 376), the aggregate of the advance deposits during the current fiscal year to cover payment of fees by applicants for certification or inspection of such products, to remain available until expended. The total amount herein appropriated shall be available for personal services; purchase of chemicals, apparatus, and scientific equipment; and the refund of advance deposits for which no service has been rendered.

FREEDMEN'S HOSPITAL

Salary restriction.

Payment by District of Columbia.

Salaries and expenses: For expenses necessary for operation and maintenance, including repairs; furnishing, repairing, and cleaning of wearing apparel used by employees in the performance of their official duties; transfer of funds to the appropriation "Salaries and expenses, Howard University" for salaries of technical and professional personnel detailed to the hospital; payments to the appropriation of Howard University for actual cost of heat, light, and power furnished by such university; \$2,880,000: *Provided*, That no intern or resident physician receiving compensation from this appropriation on a full-time basis shall receive compensation in the form of wages or salary from any other appropriation in this title: *Provided further*, That the District of Columbia shall pay by check to Freedmen's Hospital, upon the Surgeon General's request, in advance at the beginning of each quarter, such amount as the Surgeon General calculates will be earned on the basis of rates approved by the Bureau of the Budget for the care of patients certified by the District of Columbia. Bills rendered by the Surgeon General on the basis of such calculations shall not be subject to audit or certification in advance of payment; but proper adjustment of amounts which have been paid in advance on the basis of such calculations shall be made at the end of each quarter: *Provided further*, That the Surgeon General may delegate the responsibilities imposed upon him by the foregoing proviso.

HOWARD UNIVERSITY

Salaries and expenses: For the partial support of Howard University, including personal services and miscellaneous expenses and repairs to buildings and grounds, \$2,720,000.

Construction of buildings: For the construction and equipment of buildings and facilities, under the supervision of the General Services Administration, on the grounds of Howard University, including engineering and architectural services and travel, to remain available until expended, as follows:

For a preclinical medical building, together with alterations and installations in connection with such construction, \$4,436,000.

For a power substation, together with necessary alterations within the power plant, \$272,000.

For repairs to the power plant, \$100,000.

Construction of buildings (liquidation of contract authorization): For payment of obligations incurred under authority previously provided, to enter into contracts for the construction of the following: Biology-greenhouse building, \$250,000; law building, \$200,000; and administration building, \$700,000.

OFFICE OF EDUCATION

Promotion and further development of vocational education: For carrying out the provisions of section 3 of the Vocational Education Act of 1946 (20 U. S. C. 15), section 4 of the Act of March 10, 1924 (20 U. S. C. 29), section 1 of the Act of March 3, 1931 (20 U. S. C. 30), and the Act of March 18, 1950 (Public Law 462), \$23,673,261: *Provided*, That the apportionment to the States under the Vocational Education Act of 1946 shall be computed on the basis of not to exceed \$23,498,261 for the current fiscal year: *Provided further*, That not more than \$900,000 of this appropriation shall be available for vocational education in distributive occupations.

Further endowment of colleges of agriculture and the mechanic arts: For carrying out the provisions of section 22 of the Act of June 29, 1935, as amended, \$2,501,500.

Salaries and expenses: For expenses necessary for the Office of Education, including surveys, studies, investigations, and reports regarding libraries; fostering coordination of public and school library service; coordination of library service on the national level with other forms of adult education; developing library participation in Federal projects; fostering Nation-wide coordination of research materials among libraries, interstate library coordination and the development of library service throughout the country; purchase, distribution, and exchange of educational documents, motion-picture films, and lantern slides; collection, exchange, and cataloging of educational apparatus and appliances, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and repairing the same; \$2,900,000, of which not less than \$480,000 shall be available for the Division of Vocational Education as authorized: *Provided*, That all receipts from non-Federal agencies representing reimbursement for expenses of travel of employees of the Office of Education performing advisory functions to the said agencies shall be deposited in the Treasury of the United States to the credit of this appropriation.

Payments to school districts: For payments to local educational agencies for the maintenance and operation of schools as authorized by the Act of September 30, 1950 (Public Law 874), as amended, \$55,000,000: *Provided*, That this appropriation shall also be available for carrying out the provisions of section 6 of such Act.

Assistance for school construction: For an additional amount for providing school facilities and for grants to local educational agencies in federally affected areas, as authorized by titles III and IV of the Act of September 23, 1950 (Public Law 815), as amended, including not to exceed \$575,000 for necessary expenses of technical services rendered by other agencies, \$70,000,000, to remain available until expended, and of which \$12,000,000 shall be available for carrying out title IV of said Act: *Provided*, That no part of this appropriation shall be available for salaries or other direct expenses of the Depart-

60 Stat. 775.
20 USC 15j.
43 Stat. 18; 46
Stat. 1489.
64 Stat. 27.
20 USC 31-33.

49 Stat. 439.
7 USC 329.

64 Stat. 1100.
20 USC 236-244.

67 Stat. 522.
20 USC 291-311.

Ante, p. 87.

ment of Health, Education, and Welfare: *Provided further*, That the sum of \$125,000 made available for "technical services rendered by other agencies" under this head in Public Law 357, 83d Congress, shall remain available through June 30, 1955.

OFFICE OF VOCATIONAL REHABILITATION

Payments to States (including Alaska, Hawaii, and Puerto Rico): For payments to States (including Alaska, Hawaii, and Puerto Rico) in accordance with the Vocational Rehabilitation Act, as amended (29 U. S. C., ch. 4) including payments, in accordance with regulations of the Secretary, for one-half of necessary expenditures for the acquisition of vending stands or other equipment in accordance with section 3 (a) (3) (C) of said Act for the use of blind persons, such stands or other equipment to be controlled by the State agency, \$23,000,000, of which not to exceed \$195,000 shall be available to the Secretary for providing rehabilitation services to disabled residents of the District of Columbia, as authorized by section 6 of said Act, which latter amount shall be available for administrative expenses in connection with providing such services in the District of Columbia: *Provided*, That not to exceed 15 per centum of the appropriation shall be used for administrative purposes: *Provided further*, That the funds herein appropriated shall be made available to the States in accordance with the provisions of section 3 (a) of Public Law 113 (Seventy-eighth Congress) approved July 6, 1943.

Payments to States (including Alaska, Hawaii, and Puerto Rico), next succeeding fiscal year: For making, after May 31, of the current fiscal year, payments to States in accordance with the Vocational Rehabilitation Act, as amended (including the objects specified in the preceding paragraph), for the first quarter of the next succeeding fiscal year such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

Salaries and expenses: For expenses necessary in carrying out the provisions of the Vocational Rehabilitation Act, as amended, and of the Act approved June 20, 1936 (20 U. S. C., ch. 6A), including not to exceed \$3,000 for production, purchase, and distribution of educational films; \$635,000.

PUBLIC HEALTH SERVICE

For necessary expenses in carrying out the Public Health Service Act, as amended (42 U. S. C., ch. 6A) (hereinafter referred to as the Act), and other Acts, including expenses for active commissioned officers in the Reserve Corps and for not to exceed one thousand five hundred commissioned officers in the Regular Corps, as follows:

Assistance to States, general: To carry out the purposes, not otherwise specifically provided for, of section 314 (c) of the Act; to provide consultative services to States pursuant to section 311 of the Act; to make field investigations and demonstrations pursuant to section 301 of the Act; to provide for collecting and compiling mortality, morbidity, and vital statistics; and not to exceed \$1,000 for entertainment of officials of other countries when specifically authorized by the Surgeon General; \$13,000,000, of which not more than \$2,400,000 shall be available for personal services.

Veneral diseases: To carry out the purposes of sections 314 (a) and 363 of the Act with respect to venereal diseases including the operation and maintenance of centers for the diagnosis and treatment of persons

afflicted with venereal diseases; and for grants of money, services, supplies, equipment, and use of facilities to States, as defined in the Act, and with the approval of the respective State health authorities, to counties, health districts, and other political subdivisions of the States, for the foregoing purposes, in such amounts and upon such terms and conditions as the Surgeon General may determine; \$3,000,000.

Tuberculosis: To carry out the purposes of section 314 (b) of the Act, \$6,000,000, of which not less than \$4,500,000 shall be available only for grants to States, to be matched by an equal amount of State and local funds expended for the same purpose, for direct expenses of prevention and case-finding projects including salaries, fees, and travel of personnel directly engaged in prevention and case-finding and the necessary equipment and supplies used directly in prevention and case-finding operations, but excluding the purchase of care in hospitals and sanatoria.

42 USC 246.

Communicable diseases: To carry out, except as otherwise provided for, those provisions of sections 301, 311, and 361 of the Act relating to the prevention and suppression of communicable and preventable diseases, and the interstate transmission and spread thereof, including the purchase, erection, and maintenance of portable buildings; and hire, maintenance, and operation of aircraft; \$4,300,000.

42 USC 241, 243, 264.

Engineering, sanitation, and industrial hygiene: For expenses, not otherwise provided, necessary to carry out those provisions of sections 301, 311, 314 (c), and 361 of the Act relating to sanitation and other aspects of environmental health, including enforcement of applicable quarantine laws and interstate quarantine regulations, and for carrying out the purposes of the Water Pollution Control Act (33 U. S. C. 466-466 (j)); \$3,565,000, of which not less than \$270,000 shall be available only for completing construction of the Robert A. Taft Sanitary Engineering Center, Cincinnati, Ohio.

42 USC 241, 243, 246, 264.

62 Stat. 1155.

Disease and sanitation investigations and control, Territory of Alaska: To enable the Surgeon General to conduct, in the Service, and to cooperate with and assist the Territory of Alaska in the conduct of, activities necessary in the investigation, prevention, treatment, and control of diseases, and the establishment and maintenance of health and sanitation services pursuant to and for the purposes specified in sections 301, 311, 314 (without regard to the provisions of subsections (d), (f), (h), and (j) and the limitations set forth in subsection (c) of such section), 361 and 363 of the Act, including the hire, operation, and maintenance of aircraft, and the purchase, erection, and maintenance of portable buildings, \$1,125,000, of which not less than \$160,000 shall be available only for the activation and operation of the two immobilized marine health units "Health" and "Hygiene".

42 USC 241, 243, 246, 264, 266.

Grants for hospital construction: For payments for hospital construction under part C, title VI, of the Act, as amended, to remain available until expended, \$75,000,000: *Provided*, That allotments under such part C to the several States for the current fiscal year shall be made on the basis of an amount equal to the appropriation granted herein.

60 Stat. 1042.
42 USC 291d-291h.

Salaries and expenses, hospital construction services: For salaries and expenses incident to carrying out title VI of the Act, as amended, \$850,000.

Hospitals and medical care: For carrying out the functions of the Public Health Service under the Act of August 8, 1946 (5 U. S. C. 150), and under sections 321, 322, 324, 326, 331, 332, 341, 343, 344, 502, 504, and 710 of the Public Health Service Act, and Executive Order 9079 of February 26, 1942, including purchase and exchange of farm products and livestock; conducting research on technical nursing standards and furnishing consultative nursing services; and purchase of firearms

60 Stat. 903.
42 USC 248, 249, 251, 253, 255-257, 259, 260, 220, 222, 249 note; 33 USC 763c.
3 CFR, 1943 Cum. Supp., p. 1101.

and ammunition; \$33,000,000, of which \$1,000,000 shall be exclusively available for payments to the Territory of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That when the Public Health Service establishes or operates a health service program for any department or agency, payment for the estimated cost shall be made in advance for deposit to the credit of this appropriation.

42 USC 264-272. Foreign quarantine service: For carrying out the purposes of sections 361 to 369 of the Act, relating to preventing the introduction of communicable diseases from foreign countries, the medical examination of aliens in accordance with section 325 of the Act, and the care and treatment of quarantine detainees pursuant to section 322 (e) of the Act in private or other public hospitals when facilities of the Public Health Service are not available, including insurance of official motor vehicles in foreign countries when required by law of such countries; \$2,900,000.

42 USC 252.
42 USC 249.
42 USC 241. National Institutes of Health, operating expenses: For the activities of the National Institutes of Health, not otherwise provided for, including research fellowships and grants for research projects pursuant to section 301 of the Act; not to exceed \$1,000 for entertainment of visiting scientists when specifically approved by the Surgeon General; erection of temporary structures; and grants of therapeutic and chemical substances for demonstrations and research; \$4,675,000: *Provided*, That the Surgeon General is authorized to advance to this appropriation from other appropriations to the Public Health Service such amounts as are determined to be necessary for the foregoing purposes and for activities performed on a centralized basis: *Provided further*, That the Surgeon General is authorized to operate facilities at the National Institutes of Health for the sale of meals to employees and others at rates determined by him to be sufficient to recover the cost of such operation and the proceeds thereof shall be credited to this appropriation.

42 USC 281-286. National Cancer Institute: To enable the Surgeon General, upon the recommendations of the National Advisory Cancer Council, to make grants-in-aid for research and training projects relating to cancer; to cooperate with State health agencies, and other public and private nonprofit institutions, in the prevention, control, and eradication of cancer by providing consultative services, demonstrations, and grants-in-aid; and to otherwise carry out the provisions of title IV, part A, of the Act; \$21,737,000.

42 USC 241-244,
246. Mental health activities: For expenses necessary for carrying out the provisions of sections 301, 302, 303, 311, 312, and 314 (c) of the Act with respect to mental diseases, \$14,147,500.

62 Stat. 464.
42 USC 287 note. National Heart Institute: For expenses necessary to carry out the purposes of the National Heart Act, \$16,668,000.

Dental health activities: For expenses not otherwise provided for, necessary to enable the Surgeon General to carry out the purposes of the Act with respect to dental diseases and conditions, \$1,990,000.

Arthritis and metabolic disease activities: For expenses necessary to carry out the purposes of the Act relating to arthritis, rheumatism, and metabolic diseases, \$8,270,000.

Microbiology activities: For expenses necessary to carry out the purposes of the Act relating to microbiology, including the regulation and preparation of biologic products, \$6,180,000.

Neurology and blindness activities: For expenses necessary to carry out the purposes of the Act relating to neurology and blindness, \$7,600,500.

Gorgas Memorial Laboratory: For payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory, \$131,000.

Retired pay of commissioned officers: For retired pay of commissioned officers, as authorized by law, and payments under the Uniformed Services Contingency Option Act of 1953, \$1,141,000.

Salaries and expenses: For the divisions and offices of the Office of the Surgeon General and for miscellaneous expenses of the Public Health Service not appropriated for elsewhere, including preparing information, articles, and publications related to public health; and conducting studies and demonstrations in public health methods; \$2,780,000.

Administrative provisions: During the current fiscal year, and with the approval of the Bureau of the Budget, there may be transferred from any annual appropriation to the Public Health Service to any other such appropriation such additional amounts as may be required for pay and allowances of the active commissioned officers herein authorized, but any amounts so transferred shall not exceed 5 per centum of any such appropriation and no such appropriation shall be increased by more than 5 per centum as a result of any such transfers.

67 Stat. 501.
37 USC 371 note.

SAINT ELIZABETHS HOSPITAL

Salaries and expenses: For expenses necessary for the maintenance and operation of the hospital, including purchase of clothing for patients and cooperation with organizations or individuals in the scientific research into the nature, causes, prevention and treatment of mental illness, \$2,445,000.

Major repairs and preservation of buildings and grounds: For miscellaneous construction, alterations, repairs, and equipment, on the grounds of the hospital, including preparation of plans and specifications, advertising, and supervision of construction, \$709,000: *Provided*, That any part of this amount may be transferred to the General Services Administration.

Construction, maximum security building: For the preparation of tentative drawings for a maximum security building at Saint Elizabeths Hospital, \$110,000: *Provided*, That with respect to construction of new facilities hereafter authorized, and expenditures for major repairs of buildings and grounds, the per diem rate calculated for the District of Columbia pursuant to section 2 of the Act of August 4, 1947 (24 U. S. C. 168a), shall include a proportionate share of repairs and of the annual increment of the depreciated total cost of such construction, such depreciation to be based on the estimated life thereof, not exceeding forty years, beginning with the fiscal year following completion of construction, and such proportionate share shall be deposited in the Treasury to the credit of miscellaneous receipts.

61 Stat. 751.

SOCIAL SECURITY ADMINISTRATION

Salaries and expenses, Bureau of Old-Age and Survivors Insurance: For necessary expenses, including furnishing, repairing, and cleaning of wearing apparel and equipment used by building guards; not more than \$64,400,000 may be expended from the Federal old-age and survivors insurance trust fund.

Grants to States for public assistance: For grants to States for old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled, as authorized in titles I, IV, X, and XIV of the Social Security Act, as amended (42 U. S. C., ch. 7, subchs. I, IV, X, and XIV), \$1,200,000,000, of which such amount as may be necessary shall be available for grants for any period in the prior fiscal year subsequent to March 31 of that year.

Salaries and expenses, Bureau of Public Assistance: For expenses necessary for the Bureau of Public Assistance, \$1,487,500.

49 Stat. 620; 64
Stat. 555.

37 Stat. 79.

49 Stat. 629.

Salaries and expenses, Children's Bureau: For necessary expenses in carrying out the Act of April 9, 1912, as amended (42 U. S. C., ch. 6), and title V of the Social Security Act, as amended (42 U. S. C., ch. 7, subch. V), including purchase of reports and material for the publications of the Children's Bureau and of reprints for distribution, \$1,525,000: *Provided*, That no part of any appropriation contained in this title shall be used to promulgate or carry out any instructions, order, or regulation relating to the care of obstetrical cases which discriminate between persons licensed under State law to practice obstetrics: *Provided further*, That the foregoing proviso shall not be so construed as to prevent any patient from having the services of any practitioner of her own choice, paid for out of this fund, so long as State laws are complied with: *Provided further*, That any State plan which provides standards for professional obstetrical services in accordance with the laws of the State shall be approved.

49 Stat. 629,
42 USC 702, 712,
704, 714.

Grants to States for maternal and child welfare: For grants to States for maternal and child-health services, services for crippled children, and child-welfare services as authorized in title V, parts 1, 2, and 3, of the Social Security Act, as amended (42 U. S. C., ch. 7, subch. V), \$30,000,000: *Provided*, That any allotment to a State pursuant to section 502 (b) or 512 (b) of such Act shall not be included in computing for the purposes of subsections (a) and (b) of sections 504 and 514 of such Act an amount expended or estimated to be expended by the State.

Salaries and expenses, Office of the Commissioner: For expenses necessary for the Office of the Commissioner of Social Security, \$173,000, together with not to exceed \$123,500 to be transferred from the Federal old-age and survivors insurance trust fund.

42 USC ch. 7.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under titles I, IV, V, X, and XIV, respectively, of the Social Security Act, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the appropriation therefor for that fiscal year.

42 USC ch. 7.

In the administration of titles I, IV, V, X, and XIV, respectively, of the Social Security Act, as amended, payments to a State under any of such titles for any quarter in the period beginning April 1 of the prior year, and ending June 30 of the current year, may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

OFFICE OF THE SECRETARY

Salaries and expenses, Office of the Secretary: For expenses necessary for the Office of the Secretary, \$1,112,500, together with not to exceed \$171,000 to be transferred from the Federal old-age and survivors insurance trust fund: *Provided*, That, except as may be otherwise provided for herein, not more than \$200,000 of the funds, including trust funds, appropriated by this title may be used at the departmental level under authority of section 601 of the Act of June 30, 1932 (47 Stat. 417), as amended, and section 7 of Reorganization Plan No. 1 of 1953.

31 USC 686,
67 Stat. 632,
5 USC 133z-15
note.

Salaries and expenses, Office of Field Services: For expenses necessary for the Office of Field Services, including not less than \$850,000 for the Division of Grant-in-Aid Audits, \$1,800,000, together with not to exceed \$350,000 to be transferred from the Federal old-age and survivors insurance trust fund.

Salaries and expenses, Office of the General Counsel: For expenses necessary for the Office of the General Counsel, \$350,000, together with not to exceed \$22,500 to be transferred from the appropriation "Salaries and expenses, certification and inspection services", and not to exceed \$365,000 to be transferred from the Federal old-age and survivors insurance trust fund.

Surplus property disposal: For expenses necessary for carrying out the provisions of subsections 203 (j) and (k) of the Federal Property and Administrative Services Act of 1949, as amended, relating to disposal of real and personal excess property for educational purposes and protection of public health, \$400,000.

63 Stat. 386.
40 USC 484.

GENERAL PROVISIONS

SEC. 202. Appropriations under this title available for salaries and expenses shall be available for payment in advance for dues or fees for library membership in organizations whose publications are available to members only or to members at a price lower than to the general public.

Library membership dues.

SEC. 203. Appropriations under this title available for salaries and expenses shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a).

Services.

SEC. 204. Appropriations under this title available for salaries and expenses shall be available for travel expenses and not to exceed \$90,000, of which \$45,000 shall be available only to the National Institutes of Health, of such funds shall be available for expenses of attendance at meetings concerned with the functions or activities for which such appropriations are made.

60 Stat. 810.

Travel expenses.

SEC. 205. None of the funds appropriated by this title to the Social Security Administration for grants in aid of State agencies to cover, in whole or in part, the cost of operation of said agencies including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

State agencies for grants in aid.

SEC. 206. The Secretary is authorized to make such transfers of motor vehicles, between bureaus and offices, without transfer of funds, as may be required in carrying out the operations of the Department.

Motor vehicle transfers.

This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1955".

Citation of title.

TITLE III—NATIONAL LABOR RELATIONS BOARD

Salaries and expenses: For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U. S. C. 141-167), and other laws, including expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the Chairman or the General Counsel; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$8,400,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2 (3)

61 Stat. 136.

60 Stat. 810.

29 USC 152.
61 Stat. 137.
29 USC 203.

of the Act of July 5, 1935 (49 Stat. 450), and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3 (f) of the Act of June 25, 1938 (52 Stat. 1060), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

Citation of title.

This title may be cited as the "National Labor Relations Board Appropriation Act, 1955"

TITLE IV—NATIONAL MEDIATION BOARD

Salaries and expenses: For expenses necessary for the National Mediation Board, including stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$425,500.

60 Stat. 810.

Arbitration and emergency boards: For expenses necessary for arbitration boards established under section 7 of the Railway Labor Act, as amended (45 U. S. C. 157), and emergency boards appointed by the President pursuant to section 10 of said Act (45 U. S. C. 160), including stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$300,000.

44 Stat. 582, 586.

60 Stat. 810.

NATIONAL RAILROAD ADJUSTMENT BOARD

Salaries and expenses: For expenses necessary for the National Railroad Adjustment Board, including stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$495,000, of which not less than \$175,000 shall be available for compensation (at rates not in excess of \$75 per diem) and expenses of referees appointed pursuant to section 3 of the Railway Labor Act, as amended.

60 Stat. 810.

45 USC 153.

Citation of title.

This title may be cited as the "National Mediation Board Appropriation Act, 1955".

TITLE V—RAILROAD RETIREMENT BOARD

Salaries and expenses, Railroad Retirement Board (trust fund): For expenses necessary for the Railroad Retirement Board, including not to exceed \$1,000 for expenses of attendance at meetings concerned with the work of the Board, when specifically authorized by the Board; and stenographic reporting services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$6,108,000, to be derived from the railroad retirement account.

60 Stat. 810.

Citation of title.

This title may be cited as the "Railroad Retirement Board Appropriation Act, 1955".

TITLE VI—FEDERAL MEDIATION AND CONCILIATION SERVICE

Salaries and expenses: For expenses necessary for the Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U. S. C. 171-180, 182), including expenses of the Labor-Management Panel as provided in section 205 of said Act; temporary employment of arbitrators, conciliators, and mediators on labor relations at rates not in excess of \$75 per diem; expenses of attendance at meetings concerned with labor and industrial relations; and services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); \$3,124,000.

61 Stat. 152.

60 Stat. 810.

Boards of inquiry: To enable the Service to pay necessary expenses of boards of inquiry appointed by the President pursuant to section 206 of the Labor-Management Relations Act, 1947 (29 U. S. C. 176-180, 182), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and rent in the District of Columbia, \$10,000.

This title may be cited as the "Federal Mediation and Conciliation Service Appropriation Act, 1955".

61 Stat. 155.

60 Stat. 810.

Citation of title.

TITLE VII—GENERAL PROVISIONS

SEC. 701. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States, or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Strikes or overthrow of Government.

Affidavit.

Penalty.

SEC. 702. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Publicity or propaganda.

SEC. 703. No part of any appropriation contained in this Act shall be used to pay compensation of any employee engaged in personnel work in excess of the number that would be provided by a ratio of one such employee to one hundred and five, or a part thereof, full-time, part-time, and intermittent employees of the agency concerned: *Provided*, That for purposes of this section employees shall be considered as engaged in personnel work if they spend half time or more in personnel administration consisting of direction and administration of the personnel program; employment, placement, and separation; job evaluation and classification; employee relations and services; training; committees of expert examiners and boards of civil-service examiners; wage administration; and processing, recording, and reporting.

Personnel work.

This Act may be cited as the "Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1955."

Short title.

Approved July 2, 1954.

Public Law 473

CHAPTER 458

July 2, 1954
[H. J. Res. 458]

JOINT RESOLUTION

To authorize and direct the Secretary of Agriculture to quitclaim retained rights in a certain tract of land to the Board of Education of Irwin County, Georgia, and for other purposes.

Irwin County,
Ga.
Quitclaim deed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to execute and deliver to the Board of Education of Irwin County, Georgia, its successors and assigns, a quitclaim deed conveying and releasing unto the said Board of Education of Irwin County, Georgia, its successors and assigns, all of the right, title, and interest of the United States of America in and to that certain tract of land containing eight and forty-eight one-thousandths acres, more or less, in Irwin County, Georgia, and more particularly described in the quitclaim deed from the United States of America to the Board of Education of Irwin County, Georgia, dated December 6, 1945, and recorded on December 19, 1945, in deed book 19, pages 428-429, in the office of the Clerk of the Superior Court of Irwin County, Georgia.

Approved July 2, 1954.

Public Law 474

CHAPTER 459

July 5, 1954
[H. R. 9315]

AN ACT

To provide for an extension on a reciprocal basis of the period of the free entry of Philippine articles in the United States.

Philippine re-
ciprocal trade.
Extension.

22 USC 1251,
1252.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duty-free treatment provided for in section 201 of the Philippine Trade Act of 1946 (60 Stat. 143) shall apply in lieu of the treatment specified in paragraphs (1) and (2) of subsection (a) of section 202 of that Act, to Philippine articles entered, or withdrawn from warehouse, in the United States for consumption during such period after July 3, 1954, but not after December 31, 1955, as the President may declare by proclamation to be a period during which United States articles, as defined in that Act, will be admitted into the Republic of the Philippines free of ordinary customs duty, as such duty is defined in that Act. Notwithstanding any such proclamation, paragraph (2) of such subsection shall be considered as having been in effect for the purpose of applying the provisions of paragraph (3) of such subsection.

Approved July 5, 1954.

Public Law 475

CHAPTER 460

July 6, 1954
[H. J. Res. 552]

JOINT RESOLUTION

Making temporary appropriations for the fiscal year 1955, and for other purposes.

Temporary ap-
propriations, 1955.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units in the executive branch of the Government, such

amounts as may be necessary for continuing the projects or activities enumerated in this section as follows:

(a) At a rate not in excess of the current rate or, in the case of any such project or activity for which a budget estimate is pending, at a rate not in excess of the current rate or the rate permitted by the budget estimate, whichever is lower:

Refugee relief;
Civilian relief in Korea;
Government and relief in occupied areas;
Government in occupied areas;
Federal Civil Defense Administration, Operations;
Washington National Airport;
Rubber, tin, and abaca programs.

(b) Mutual Security Programs, \$290,000,000, to be derived from unobligated balances of appropriations heretofore made for such purposes and to be expended in accord with provisions of laws applicable to such programs during the fiscal year ending June 30, 1954: *Provided*, That the rate hereunder for any individual program shall not exceed the current rate: *Provided further*, That administrative expenses for such programs shall not exceed \$4,000,000.

(c) Relief and Rehabilitation in Korea, the unobligated balance of the appropriation available in fiscal year 1954 is continued available.

SEC. 2. (a) Except as otherwise herein provided, appropriations and funds made available and authority granted pursuant to this joint resolution shall be subject to the General Provisions of Chapter XIII of the Supplemental Appropriation Act, 1954, to the same extent as the comparable appropriations, funds, and authority were subject to such provisions in the fiscal year 1954.

67 Stat. 435.
5 USC 59c; 40
USC 33a, 483b.

(b) Except as otherwise specifically provided therein, appropriations and funds made available and authority granted pursuant to any regular annual appropriation Act for the fiscal year 1955 shall be subject to the General Provisions of Chapter XIII of the Supplemental Appropriation Act, 1954, to the same extent as the comparable appropriations, funds, and authority were subject to such provisions in the fiscal year 1954.

SEC. 3. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for herein, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) July 31, 1954, whichever first occurs.

Termination.

SEC. 4. Appropriations and funds made available and authority granted pursuant to this joint resolution may be used without regard to the time limitations set forth in subsection (d) (2) of section 3679, Revised Statutes, and expenditures therefrom shall be charged to any applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

31 USC 665.

SEC. 5. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1954. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for the pertinent project or activity.

Restriction.

Approved July 6, 1954.

Public Law 476

CHAPTER 461

AN ACT

July 6, 1954
[S. 119]

To provide for the construction of the Markham Ferry project on the Grand River in Oklahoma by the Grand River Dam Authority, an instrumentality of the State of Oklahoma.

Markham Ferry
project, Okla.
Construction,
52 Stat. 1215;
55 Stat. 645; 60
Stat. 647.
33 USC 701b et
seq.
41 Stat. 1063;
49 Stat. 863.
16 USC 791a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general comprehensive plan for flood control and other purposes approved by the Act of June 28, 1938, for the Arkansas River Basin, as modified by the Acts of August 18, 1941, and July 24, 1946, is hereby further modified to provide for the construction of the Markham Ferry project on the Grand River in Oklahoma by the Grand River Dam Authority, an instrumentality of the State of Oklahoma, in accordance with the terms of the Federal Power Act and in general conformity with the recommendations of the Chief of Engineers in House Document Numbered 107 of the Seventy-sixth Congress and House Document Numbered 758 of the Seventy-ninth Congress, such project to have the same number of acre-feet of flood storage and the same flood control and power pool elevations as recommended by the Chief of Engineers, with provision for emergency operation for surcharge storage three feet above the normal flood control pool and such project shall be designed for an ultimate installed capacity of not less than seventy-two thousand kilowatts: *Provided*, That the initial installation may have a smaller capacity.

Power operation
coordination.

SEC. 2. To the extent that it may be mutually agreed between the Grand River Dam Authority and the Secretary of the Interior, operation for power production of this and other installations of the Grand River Dam Authority on the Grand River in the State of Oklahoma shall be coordinated with the power operations of the Federal projects in the area: *Provided*, That nothing herein stated with regard to any such agreement shall be construed in any way to modify or repeal any existing authority vested in the Federal Power Commission by this or any other Act or to modify or repeal any authority of the Secretary of the Army or the Chief of Engineers pursuant to section 7 of Public Law 534, Seventy-eighth Congress.

58 Stat. 890.
33 USC 709.
Appropriation.

Administration.

SEC. 3. There is hereby authorized to be appropriated not to exceed \$6,500,000 as a monetary contribution by the United States for flood-control storage in the Markham Ferry project: *Provided*, That such funds as may be appropriated under the foregoing authorization shall be administered by the Chief of Engineers in a manner which shall assure (1) that the Grand River Dam Authority shall comply with the provisions of this Act relating to the construction of the Markham Ferry project, and (2) that the total payment made by the Chief of Engineers to the Grand River Dam Authority shall be \$6,500,000 less the sum of (a) such amount as he shall determine to represent the cost to the Government, including acquisition and conveyance of lands acquired in the Markham Ferry project area by the United States with flood-control appropriations and conveyed to the Grand River Dam Authority pursuant to section 4 of this Act, and (b) such amount as he shall determine to represent the fair market value of any other lands acquired by the United States and Public Domain lands, or interests therein, lying within the project area, and conveyed to the Grand River Dam Authority pursuant to section 4 of this Act: *Provided further*, That the acceptance by the Grand River Dam Authority of the foregoing amount shall constitute the agreement of the Grand River Dam Authority to hold and save the United States free and harmless from all claims heretofore or hereafter asserted of whatever nature including but not limited to acquisition of land, relocation, con-

U. S. freedom
from claims, etc.

struction, operation and maintenance of the dam and reservoir: *Provided further*, That the foregoing authorization shall be in addition to authorizations heretofore made for appropriations for flood-control projects for the Department of the Army.

SEC. 4. The sale, transfer, assignment, grant, or conveyance to the Grand River Dam Authority of such land, easements and flowage rights owned by the United States of America as may be necessary for the construction, operation, and maintenance of the Markham Ferry project by the Grand River Dam Authority is hereby authorized and directed. The conveyance of such lands or interests therein shall be made by the Secretary of the Army, notwithstanding the provisions of any other law or requirement to the contrary. Other officials having jurisdiction over such lands are authorized and directed to transfer custody of such land to the Secretary of the Army. Reimbursement for the fair market value of said lands will be made by the Chief of Engineers from funds appropriated pursuant to this Act. No such conveyance shall be made until funds have been appropriated pursuant to section 3 of this Act and until a license for the Markham Ferry project has been issued by the Federal Power Commission. In addition to the foregoing monetary contribution, the Secretary of the Army is authorized and directed to transfer engineering data including maps, survey reports and data, drilling records and designs as will be of value to the Grand River Dam Authority in planning, construction, maintenance, and operation of the Markham Ferry project.

Approved July 6, 1954.

Conveyance.

Reimbursement.

FPC license.

Engineering data.

Public Law 477

CHAPTER 462

AN ACT

To amend section 67 of the National Defense Act, as amended, to provide for an active-duty status for all United States property and fiscal officers.

July 6, 1954
[S. 2217]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third paragraph of section 67 of the National Defense Act, as amended (32 U. S. C. 49), is amended to read as follows:

U. S. property
and fiscal officers.

39 Stat. 200.

"PROPERTY AND FISCAL OFFICERS.—The Governor of each State and Territory and the Commanding General of the National Guard of the District of Columbia shall appoint, designate, or detail, subject to the approval of the Secretaries of the Army and Air Force, a qualified officer of the National Guard of the United States or the Air National Guard of the United States, who is an officer of the National Guard or Air National Guard of the State, Territory, or District of Columbia and who shall be the United States property and fiscal officer. The President may with the consent of the officer concerned, if such officer is not on active duty, order him to active duty to serve as United States property and fiscal officer of the State, Territory, or the District of Columbia, for which appointed, designated or detailed, and, upon relief from assignment as United States property and fiscal officer, he shall revert to his National Guard or Air National Guard status. The United States property and fiscal officer shall receipt and account for all funds and property belonging to the United States in possession of the National Guard or Air National Guard of the State, Territory, or the District of Columbia, and shall make such returns and reports pertaining thereto as may be required by the appropriate Secretary. Before entering upon his duties as property and fiscal officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretaries of the Army and the Air Force, for the faith-

ful performance of his duties and for the safekeeping and proper disposition of the Federal property entrusted to his care. He shall receive pay and allowances provided by law. The appropriate Secretary shall cause an inspection of the pertinent accounts and records of the United States property and fiscal officer to be made by an Inspector General of his Department at least once each year. The Secretaries shall make joint rules and regulations necessary to carry into effect the provisions of this section, which rules and regulations shall establish a maximum grade, not above colonel, for the United States property and fiscal officer of each State, Territory, and the District of Columbia, which grade shall be commensurate with the duties, functions, and responsibilities of the office.

Approved July 6, 1954.

Public Law 478

CHAPTER 463

AN ACT

July 6, 1954
[H. R. 2231]

To authorize the negotiation and ratification of separate settlement contracts with the Sioux Indians of the Lower Brule and the Crow Creek Reservations in South Dakota for Indian lands and rights acquired by the United States for the Fort Randall Dam and Reservoir, Missouri River Development, to authorize a transfer of funds from the Secretary of Defense to the Secretary of the Interior and to authorize an appropriation for the removal from the taking area of the Fort Randall Dam and Reservoir, Missouri River Development, and the reestablishment of the Indians of the Yankton Indian Reservation in South Dakota.

Sioux Indians.
Settlement con-
tracts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers, Department of the Army, and the Secretary of the Interior, jointly representing the United States of America are hereby authorized and directed to negotiate separate contracts containing the provisions outlined in this Act with the Sioux Indians of the Lower Brule Reservation, South Dakota, and with the Sioux Indians of the Crow Creek Reservation, South Dakota, acting through representatives of each tribe appointed for such purpose by its tribal council.

Contract provi-
sions.

SEC. 2. The contract with each tribe negotiated pursuant to section 1 of this Act shall—

Oil and gas
rights.

(a) convey to the United States title to all tribal, allotted, assigned, and inherited lands or interests therein belonging to the Indians of the tribe, and title to all undivided interests in such allotted or inherited lands owned by non-Indians or by Indian nonmembers of the tribe, required by the United States for the reservoir to be created by the construction of the dams across the Missouri River in South Dakota, to be known as Fort Randall Dam, including such lands along the margins as may be required by the Chief of Engineers, Department of the Army, for the protection, development, and use of said reservoir: *Provided*, That the contract may provide for retention by the owners of any oil and gas rights in such lands that are not needed by the United States for the protection of such dam and reservoir;

(b) provide for the payment of—

(1) just compensation for the lands and improvements and interests therein conveyed by the contract;

(2) costs of relocating the tribe and its members who reside upon the lands conveyed by the contract in a manner that will reestablish and protect their economic, social, religious, and community life;

(3) costs of relocating Indian cemeteries, tribal monuments, and shrines located upon the lands conveyed by the contract.

(c) Provide a schedule of dates for the orderly removal of the Indians and their personal property from the taking area of the Fort Randall Reservoir within the reservation; and

(d) State that the payments authorized to be made shall be in full and complete settlement of all claims by the tribe and its members against the United States arising because of the construction of the Fort Randall project.

SEC. 3. The just compensation payable for the individual property of any person conveyed pursuant to subsection (a) of section 2 of this Act shall be judicially determined, if such person rejects the compensation specified in the contract with the tribe, in proceedings instituted for such purpose by the Department of the Army in the United States district court for the district in which the lands are situated.

Judicial determination.

SEC. 4. To assist the negotiators in arriving at the amount of just compensation payable for the property conveyed pursuant to subsection (a) of section 2 of this Act, the Secretary of the Interior and the Chief of Engineers, Department of the Army, shall cause to be prepared an appraisal schedule on an individual tract basis of the tribal, allotted, and assigned lands, including heirship interests therein, located within the taking area in each reservation. The appraisal schedule shall show the fair market value of the lands, giving full and proper weight to the following elements of appraisal, among others: Improvements, severance damage, standing timber, mineral rights, and the uses to which the lands are reasonably adapted. The appraisal schedule shall be transmitted to the representatives of the tribe appointed to negotiate a contract, and shall be used, together with any other appraisals which may be available, as a basis for determining the amount of just compensation to be included in the contract.

Appraisal schedule.

SEC. 5. The specification in section 2 of this Act of certain provisions to be included in each contract shall not preclude the inclusion of other provisions beneficial to the Indians who are parties of such contracts.

SEC. 6. Each contract negotiated pursuant to this Act shall be submitted to the Congress for approval. The Chief of Engineers, Department of the Army, and the Secretary of the Interior are requested to submit such contract within one year from the date of approval of this Act. If the negotiating parties are unable to agree on a proposed contract each party shall submit to the Congress separate detailed reports of the negotiations, together with their recommendations. In the event the negotiating parties are unable to agree on any provision in the proposed contracts such provision shall be included in an appendix to the contract, together with the views of each party, for consideration and determination by Congress. The contract shall not take effect unless, after determination of any disputed provision, it is ratified by Act of Congress and is ratified within six months after such action by the Congress by a majority of the adult members of the tribe: *Provided*, That when so ratified the contract shall constitute a taking by the United States as of the date the contract was signed by the Chief of Engineers, Department of the Army, and the Secretary of the Interior, for purposes of determining the ownership of the Indian tribal, allotted, and assigned lands and interests therein.

Approval of Congress.

Reports.

SEC. 7. Nothing in this Act shall be construed to restrict completion of the Fort Randall Dam to provide flood protection and other benefits on the Missouri River.

Fort Randall Dam.

SEC. 8. There is hereby authorized to be appropriated to the Secretary of the Interior the sum of \$106,500, which shall be available until

Appropriation. Relocation of Yankton Sioux Tribe.

expended for the purpose of relocating the members of the Yankton Sioux Tribe, South Dakota, who reside or have resided, on tribal and allotted lands acquired by the United States for the Fort Randall Dam and Reservoir project, Missouri River Development, in a manner that will reestablish and protect their economic, social, religious, and community life. Title to any lands acquired within Indian country pursuant to this section shall be taken in the name of the United States in trust for the Yankton Sioux Tribe or members thereof. The said sum of \$106,500 shall be assessed against the costs of the Fort Randall Dam and Reservoir, Missouri River Development.

Approved July 6, 1954.

Public Law 479

CHAPTER 466

AN ACT

July 8, 1954
[H. R. 6465]

To amend paragraph 1530 of the Tariff Act of 1930 with respect to footwear.

Rubber-soled
footwear.
Duty.
46 Stat. 667.
19 USC 1001 par.
1530(e).

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1530 (e) of the Tariff Act of 1930, as amended, is amended by adding at the end thereof the following: "For the purposes of this paragraph and any existing or future proclamation of the President relating thereto, footwear of which a major portion, in area, of the basic wearing surface of the outer soles (that part of the article, not including the heel, that is designed to be the basic wearing surface and to resist wear on contact with any surface) is composed of india rubber or any substitute for rubber, or both, shall be deemed to have soles wholly or in chief value of india rubber or substitutes for rubber." The foregoing amendment shall enter into force as soon as practicable, on a date to be specified by the President in a notice to the Secretary of the Treasury following such negotiations as may be necessary to effect a modification or termination of any international obligations of the United States with which the amendment might conflict, but in any event not later than one hundred and eighty days after the passage of this Act.

Approved July 8, 1954.

Public Law 480

CHAPTER 469

AN ACT

July 10, 1954
[S. 2475]

To increase the consumption of United States agricultural commodities in foreign countries, to improve the foreign relations of the United States, and for other purposes.

Agricultural
Trade Develop-
ment and Assist-
ance Act of 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Trade Development and Assistance Act of 1954".

SEC. 2. It is hereby declared to be the policy of Congress to expand international trade among the United States and friendly nations, to facilitate the convertibility of currency, to promote the economic stability of American agriculture and the national welfare, to make maximum efficient use of surplus agricultural commodities in furtherance of the foreign policy of the United States, and to stimulate and facilitate the expansion of foreign trade in agricultural commodities produced in the United States by providing a means whereby surplus agricultural commodities in excess of the usual marketings of such

commodities may be sold through private trade channels, and foreign currencies accepted in payment therefor. It is further the policy to use foreign currencies which accrue to the United States under this Act to expand international trade, to encourage economic development, to purchase strategic materials, to pay United States obligations abroad, to promote collective strength, and to foster in other ways the foreign policy of the United States.

TITLE I—SALES FOR FOREIGN CURRENCY

SEC. 101. In furtherance of this policy, the President is authorized to negotiate and carry out agreements with friendly nations or organizations of friendly nations to provide for the sale of surplus agricultural commodities for foreign currencies. In negotiating such agreements the President shall—

(a) take reasonable precautions to safeguard usual marketings of the United States and to assure that sales under this Act will not unduly disrupt world prices of agricultural commodities;

(b) take appropriate steps to assure that private trade channels are used to the maximum extent practicable both with respect to sales from privately owned stocks and from stocks owned by the Commodity Credit Corporation;

(c) give special consideration to utilizing the authority and funds provided by this Act, in order to develop and expand continuous market demand abroad for agricultural commodities, with appropriate emphasis on underdeveloped and new market areas;

(d) seek and secure commitments from participating countries that will prevent resale or transshipment to other countries, or use for other than domestic purposes, of surplus agricultural commodities purchased under this Act, without specific approval of the President; and

(e) afford any friendly nation the maximum opportunity to purchase surplus agricultural commodities from the United States, taking into consideration the opportunities to achieve the declared policy of this Act and to make effective use of the foreign currencies received to carry out the purposes of this Act.

SEC. 102. (a) For the purpose of carrying out agreements concluded by the President hereunder, the Commodity Credit Corporation, in accordance with regulations issued by the President pursuant to subsection (b) of this section, (1) shall make available for sale hereunder at such points in the United States as the President may direct surplus agricultural commodities heretofore or hereafter acquired by the Corporation in the administration of its price support operations, and (2) shall make funds available to finance the sale and exportation of surplus agricultural commodities from stocks owned by the Corporation or pledged or mortgaged as security for price support loans or from stocks privately owned if the Corporation is not in a position to supply the commodity from its owned stocks: *Provided*, That to facilitate the use of private trade channels the Corporation, even though it is in a position to supply the commodity, may finance the sale and exportation of privately owned stocks if the Corporation's stocks are reduced through arrangements whereby the private exporter acquires the same commodity of comparable value or quantity from the Commodity Credit Corporation. In supplying commodities to private exporters under such arrangements Commodity Credit Corporation shall not be subject to the sales price restriction in section 407 of the Agricultural Act of 1949, as amended.

Sale of surplus
commodities.
Agreements.

U.S. marketings.

Private trade.

New market
areas, etc.

Resale preven-
tion, etc.

Purchase oppor-
tunity.

CCC surplus
commodities.

Availability.

Funds for export,
etc.

Private export-
ers.

Post, p. 458.

Letters of commitment.

(b) In order to facilitate and maximize the use of private channels of trade in carrying out agreements entered into pursuant to this Act, the President may, under such regulations and subject to such safeguards as he deems appropriate, provide for the issuance of letters of commitment against funds or guaranties of funds supplied by the Commodity Credit Corporation and for this purpose accounts may be established on the books of any department, agency, or establishment of the Government, or on terms and conditions approved by the Secretary of the Treasury in banking institutions in the United States. Such letters of commitment, when issued, shall constitute obligations of the United States and moneys due or to become due thereunder shall be assignable under the Assignment of Claims Act of 1940. Expenditures of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditures of Government funds.

54 Stat. 1029,
31 USC 203; 41
USC 15.

Appropriation.
CCC payments.

SEC. 103. (a) For the purpose of making payment to the Commodity Credit Corporation to the extent the Commodity Credit Corporation is not reimbursed under section 105 for commodities disposed of and costs incurred under titles I and II of this Act, there are hereby authorized to be appropriated such sums as are equal to (1) the Corporation's investment in commodities made available for export under this title and title II of this Act, including processing, packaging, transportation, and handling costs, and (2) all costs incurred by the Corporation in making funds available to finance the exportation of surplus agricultural commodities pursuant to this title. Any funds or other assets available to the Commodity Credit Corporation may be used in advance of such appropriation or payments, for carrying out the purposes of this Act.

Limitation.

(b) Transactions shall not be carried out under this title which will call for appropriations to reimburse the Commodity Credit Corporation, pursuant to subsection (a) of this section, in amounts in excess of \$700,000,000.

Use of foreign
currencies.
66 Stat. 662.
31 USC 724.

SEC. 104. Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, the President may use or enter into agreements with friendly nations or organizations of nations to use the foreign currencies which accrue under this title for one or more of the following purposes:

(a) To help develop new markets for United States agricultural commodities on a mutually benefiting basis;

(b) To purchase or contract to purchase strategic and critical materials, within the applicable terms of the Strategic and Critical Materials Stockpile Act, for a supplemental United States stockpile of such materials as the President may determine from time to time under contracts, including advance payment contracts, for supply extending over periods up to ten years. All strategic and critical materials acquired under authority of this title shall be placed in the above named supplemental stockpile and may be additional to the amounts acquired under authority of the Strategic and Critical Materials Stockpile Act. Materials so acquired shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stockpile Act;

60 Stat. 596.
50 USC 98 note.

(c) To procure military equipment, materials, facilities, and services for the common defense;

(d) For financing the purchase of goods or services for other friendly countries;

(e) For promoting balanced economic development and trade among nations;

50 USC 98b.

- (f) To pay United States obligations abroad;
- (g) For loans to promote multilateral trade and economic development, made through established banking facilities of the friendly nation from which the foreign currency was obtained or in any other manner which the President may deem to be appropriate. Strategic materials, services, or foreign currencies may be accepted in payment of such loans;
- (h) For the financing of international educational exchange activities under the programs authorized by section 32 (b) (2) of the Surplus Property Act of 1944, as amended (50 U. S. C. App. 1641 (b)).

58 Stat. 782.

Provided, however, That section 1415 of the Supplemental Appropriation Act, 1953, shall apply to all foreign currencies used for grants under subsections (d) and (e) and for payment of United States obligations involving grants under subsection (f) and to not less than 10 per centum of the foreign currencies which accrue under this title: *Provided, however,* That the President is authorized to waive such applicability of section 1415 in any case where he determines that it would be inappropriate or inconsistent with the purposes of this title.

31 USC 724.

Waiver.

Special account.

SEC. 105. Foreign currencies received pursuant to this title shall be deposited in a special account to the credit of the United States and shall be used only pursuant to section 104 of this title, and any department or agency of the government using any of such currencies for a purpose for which funds have been appropriated shall reimburse the Commodity Credit Corporation in an amount equivalent to the dollar value of the currencies used.

SEC. 106. As used in this Act, "surplus agricultural commodity" shall mean any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either privately or publicly owned, which is or may be reasonably expected to be in excess of domestic requirements, adequate carryover, and anticipated exports for dollars, as determined by the Secretary of Agriculture.

"Surplus agricultural commodity".

SEC. 107. As used in this Act, "friendly nation" means any country other than (1) the U. S. S. R., or (2) any nation or area dominated or controlled by the foreign government or foreign organization controlling the world Communist movement.

"Friendly nation."

SEC. 108. The President shall make a report to Congress with respect to the activities carried on under this Act at least once each six months and at such other times as may be appropriate and such reports shall include the dollar value, at the exchange rates in effect at the time of the sale, of the foreign currency for which commodities exported pursuant to section 102 (a) hereof are sold.

Report to Congress.

SEC. 109. No transactions shall be undertaken under authority of this title after June 30, 1957, except as required pursuant to agreements theretofore entered into pursuant to this title.

Termination.

TITLE II—FAMINE RELIEF AND OTHER ASSISTANCE

SEC. 201. In order to enable the President to furnish emergency assistance on behalf of the people of the United States to friendly peoples in meeting famine or other urgent relief requirements, the Commodity Credit Corporation shall make available to the President out of its stocks such surplus agricultural commodities (as defined in section 106 of title I) f. o. b. vessels in United States ports, as he may request, for transfer (1) to any nation friendly to the United States in order to meet famine or other urgent relief requirements of such nation, and (2) to friendly but needy populations without regard to the friendliness of their government.

Emergency relief.

SEC. 202. The President may authorize the transfer on a grant basis of surplus agricultural commodities from Commodity Credit Corporation stocks to assist programs undertaken with friendly governments or through voluntary relief agencies: *Provided*, That the President shall take reasonable precaution that such transfers will not displace or interfere with sales which might otherwise be made.

Limitation.

SEC. 203. Not more than \$300,000,000 (including the Corporation's investment in the commodities) shall be expended for all transfers, including delivery on board vessels in United States ports, under this title. The President may make such transfers through such agencies including intergovernmental organizations, in such manner, and upon such terms and conditions as he deems appropriate; he shall make use of the facilities of voluntary relief agencies to the extent practicable.

Termination.

SEC. 204. No programs of assistance shall be undertaken under the authority of this title after June 30, 1957.

TITLE III—GENERAL PROVISIONS

63 Stat. 1055.
7 USC 1427.
Sale of farm commodities.
U. S. relief.

SEC. 301. Section 407 of the Agricultural Act of 1949 is amended by adding at the end thereof the following: "Notwithstanding the foregoing, the Corporation, on such terms and conditions as the Secretary may deem in the public interest, shall make available any farm commodity or product thereof owned or controlled by it for use in relieving distress (1) in any area in the United States declared by the President to be an acute distress area because of unemployment or other economic cause if the President finds that such use will not displace or interfere with normal marketing of agricultural commodities and (2) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress, as amended (42 U. S. C. 1855). Except on a reimbursable basis, the Corporation shall not bear any costs in connection with making such commodity available beyond the cost of the commodities to the Corporation in store and the handling and transportation costs in making delivery of the commodity to designated agencies at one or more central locations in each State."

64 Stat. 1109.
42 USC 1855-1855g.

7 USC 1431.

SEC. 302. Section 416 of the Agricultural Act of 1949 is amended to read as follows:

Perishable commodities.
Disposal.

"SEC. 416. In order to prevent the waste of commodities acquired through price-support operations by the Commodity Credit Corporation before they can be disposed of in normal domestic channels without impairment of the price-support program or sold abroad at competitive world prices, the Commodity Credit Corporation is authorized, on such terms and under such regulations as the Secretary may deem in the public interest: (1) upon application, to make such commodities available to any Federal agency for use in making payment for commodities not produced in the United States; (2) to barter or exchange such commodities for strategic or other materials as authorized by law; (3) in the case of food commodities to donate such commodities to the Bureau of Indian Affairs and to such State, Federal, or private agency or agencies as may be designated by the proper State or Federal authority and approved by the Secretary, for use in the United States in nonprofit school-lunch programs, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served; and (4) to donate any such food commodities in excess of anticipated disposition under (1), (2), and (3) above to nonprofit voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Foreign Operations Administration or other appropriate department or agency of the Federal

Government and intergovernmental organizations for use in the assistance of needy persons outside the United States. In the case of (3) and (4) above the Secretary shall obtain such assurance as he deems necessary that the recipients thereof will not diminish their normal expenditures for food by reason of such donation. In order to facilitate the appropriate disposal of such commodities, the Secretary may from time to time estimate and announce the quantity of such commodities which he anticipates will become available for distribution under (3) and (4) above. The Commodity Credit Corporation may pay, with respect to commodities disposed of under this section, reprocessing, packaging, transporting, handling, and other charges accruing up to the time of their delivery to a Federal agency or to the designated State or private agency, in the case of commodities made available for use within the United States, or their delivery free alongside ship or free on board export carrier at point of export, in the case of commodities made available for use outside the United States. For the purpose of this section the terms 'State' and 'United States' include the District of Columbia and any Territory or possession of the United States."

Reprocessing,
etc., charges.

SEC. 303. Whenever the Secretary has reason to believe that, in addition to other authorized methods and means of disposing of agricultural commodities owned by the Commodity Credit Corporation, there may be opportunity to protect the funds and assets of the Commodity Credit Corporation by barter or exchange of such agricultural commodities for (a) strategic materials entailing less risk of loss through deterioration or substantially less storage charges, or (b) materials, goods or equipment required in connection with foreign economic and military aid and assistance programs, or (c) materials or equipment required in substantial quantities for offshore construction programs, he is hereby directed to use every practicable means, in cooperation with other Government agencies, to arrange and make, through private trade channels, such barter or exchanges or to utilize the authority conferred on him by section 4 (h) of the Commodity Credit Corporation Charter Act, as amended, to make such barter or exchanges. Agencies of the United States Government procuring such materials, goods or equipment are hereby directed to cooperate with the Secretary in the disposal of surplus agricultural commodities by means of barter or exchange. Strategic materials so acquired by the Commodity Credit Corporation shall be considered as assets of the Corporation and other agencies of the Government, in purchasing strategic materials, shall purchase such materials from Commodity Credit Corporation inventories to the extent available in fulfillment of their requirements. The Secretary is also directed to assist, through such means as are available to him, farmers' cooperatives in effecting exchange of agricultural commodities in their possession for strategic materials.

Barter authority.

62 Stat. 1071.
15 USC 714b.

SEC. 304. The President shall exercise the authority contained herein (1) to assist friendly nations to be independent of trade with the U. S. S. R. or nations dominated or controlled by the U. S. S. R. for food, raw materials and markets, and (2) to assure that agricultural commodities sold or transferred hereunder do not result in increased availability of those or like commodities to unfriendly nations.

Independent
trade, etc.

SEC. 305. All Commodity Credit Corporation stocks disposed of under title II of this Act and section 416 of the Agricultural Act of 1949, as amended, shall be clearly identified by, as far as practical, appropriate marking on each package or container as being furnished by the people of the United States of America.

Marking of pack-
ages.

Ante, p. 458.

Approved July 10, 1954.

Public Law 481

CHAPTER 470

JOINT RESOLUTION

July 10, 1954
[H. J. Res 256]

To permit articles imported from foreign countries for the purpose of exhibition at the First International Instrument Congress and Exposition, Philadelphia, Pennsylvania, to be admitted without payment of tariff, and for other purposes.

First International Instrument Congress and Exposition, Philadelphia, Pa.
Free entry of exhibits.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That any article which is imported from a foreign country for the purpose of exhibition at the First International Instrument Congress and Exposition, to be held at Philadelphia, Pennsylvania, from September 13 to September 25, 1954, inclusive, by the Instrument Society of America, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at such exposition, upon which there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges, under such regulations as the Secretary of the Treasury shall prescribe.

Sale, etc.

SEC. 2. It shall be lawful at any time during or within three months after the close of such exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law.

Marking requirements.

SEC. 3. Imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States.

Abandoned articles, etc.

SEC. 4. At any time within three months after the close of the exposition, any article entered hereunder may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such article shall be remitted.

Transfers.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at such exposition, under such regulations as the Secretary of the Treasury shall prescribe.

Instrument Society of America.
Payment of customs charges, etc.

SEC. 6. The Instrument Society of America, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charge for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the Instrument Society of America, a corporation, to the United States, under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursements shall be

deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1524).

Approved July 10, 1954.

52 Stat. 1087.

Public Law 482

CHAPTER 471

AN ACT

To amend the hospital survey and construction provisions of the Public Health Service Act to provide assistance to the States for surveying the need for diagnostic or treatment centers, for hospitals for the chronically ill and impaired, for rehabilitation facilities, and for nursing homes, and to provide assistance in the construction of such facilities through grants to public and nonprofit agencies, and for other purposes.

July 12, 1954
[H. R. 8149]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medical Facilities Survey and Construction Act of 1954".

Medical Facilities Survey and Construction Act of 1954.

SEC. 2. Title VI of the Public Health Service Act is amended by adding immediately after part D thereof the following new parts:

60 Stat. 1041.
42 USC 291-291m.

"PART E—DECLARATION OF PURPOSE WITH RESPECT TO DIAGNOSTIC OR TREATMENT CENTERS, CHRONIC DISEASE HOSPITALS, REHABILITATION FACILITIES, AND NURSING HOMES

SEC. 641. The purpose of parts F and G of this title is—

"(a) to assist the several States (1) to inventory their existing diagnostic or treatment centers, hospitals for the chronically ill and impaired, rehabilitation facilities, and nursing homes, (2) to survey the need for the construction of facilities of the types referred to in clause (1), and (3) to develop programs for the construction of such public and other nonprofit facilities of the types referred to in clause (1) as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing to all their people adequate services of the kinds which may be supplied by facilities of the types referred to in clause (1); and

"(b) to assist in the construction, in accordance with such programs, of public and other nonprofit facilities of the types referred to in subsection (a).

"PART F—SURVEYS AND PLANNING WITH RESPECT TO DIAGNOSTIC OR TREATMENT CENTERS, CHRONIC DISEASE HOSPITALS, REHABILITATION FACILITIES, AND NURSING HOMES

"AUTHORIZATION OF APPROPRIATION

"SEC. 646. In order to assist the States in carrying out the purposes of section 641 (a) there is hereby authorized to be appropriated the sum of \$2,000,000, to remain available until expended. The sums appropriated under this section shall be used for making payments to States which have submitted, and had approved by the Surgeon General, State applications for funds for carrying out such purposes.

"STATE APPLICATIONS

"SEC. 647. The Surgeon General shall approve a State application for funds for carrying out the purposes of section 641 (a) which—

"(1) designates as the sole agency for carrying out such purposes, or for supervising the carrying out of such purposes, the State agency designated in accordance with section 623 (a) (1);

42 USC 291f.

"(2) provides for the utilization of the State advisory council provided in section 623 (a) (3), and if such council does not include representatives of nongovernment organizations or groups, or State agencies, concerned with rehabilitation, provides for consultation with organizations, groups, and State agencies so concerned; and

"(3) provides for making an inventory and survey containing all information required by the Surgeon General and for developing a construction program in accordance with section 653.

"ALLOTMENTS TO STATES

"SEC. 648. Each State shall be entitled to an allotment of such proportion of any appropriation made pursuant to section 646 as its population bears to the population of all the States, and within such allotment shall be entitled to receive 50 per centum of its expenditures in carrying out the purposes of section 641 (a) in accordance with its application: *Provided*, That no such allotment to any State shall be less than \$25,000. The Surgeon General shall from time to time estimate the sum to which each State will be entitled under this section, during such ensuing period as he may determine, and shall thereupon certify to the Secretary of the Treasury the amount so estimated, reduced or increased, as the case may be, by any sum by which the Surgeon General finds that his estimate for any prior period was greater or less than the amount to which the State was entitled for such period. The Secretary of the Treasury shall thereupon, prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Surgeon General, the amount so certified.

"(b) Any funds paid to a State under this section and not expended for the purposes for which paid shall be repaid to the Treasury of the United States."

42 USC 291-291n.

SEC. 3. Title VI of the Public Health Service Act is further amended by adding a new part G to read as follows:

"PART G—CONSTRUCTION OF DIAGNOSTIC OR TREATMENT CENTERS, CHRONIC DISEASE HOSPITALS, REHABILITATION FACILITIES, AND NURSING HOMES

"AUTHORIZATION OF APPROPRIATION

"SEC. 651. In order to assist the States in carrying out the purposes of section 641 (b), there is hereby authorized to be appropriated for the fiscal year ending June 30, 1955, and for each of the two succeeding fiscal years—

"(1) \$20,000,000 for grants for the construction of public and other nonprofit diagnostic or treatment centers;

"(2) \$20,000,000 for grants for the construction of public and other nonprofit hospitals for the chronically ill and impaired;

"(3) \$10,000,000 for grants for the construction of public and other nonprofit rehabilitation facilities; and

"(4) \$10,000,000 for grants for the construction of public and other nonprofit nursing homes.

"ALLOTMENTS TO STATES

"SEC. 652. Each State shall be entitled for each fiscal year to an allotment of a sum bearing the same ratio to the sums appropriated for such year pursuant to paragraphs (1), (2), (3), and (4), respectively, of section 651, as the product of (a) the population of such State and

(b) the square of its allotment percentage (as defined in section 631 (a)) bears to the sum of the corresponding products for all of the States: *Provided*, That no such allotment to any State for the purposes of paragraph (1) or (2) of section 651 shall be less than \$100,000 and no such allotment to any State for the purpose of paragraph (3) or (4) shall be less than \$50,000, but for the purpose of this proviso the term "State" shall not include the Virgin Islands. Sums allotted to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the same purpose for the next fiscal year (and for such year only) in addition to the sums allotted to such State for such next fiscal year.

42 USC 291i.

"REGULATIONS AND APPROVAL OF STATE PLANS

"SEC. 653. (a) Within six months after this part becomes effective, the Surgeon General, with the approval of the Federal Hospital Council and the Secretary of Health, Education, and Welfare (hereinafter referred to as the 'Secretary'), shall revise and supplement the regulations issued under section 622 to provide general standards of construction and equipment, general standards of adequacy and priority, and requirements comparable to those provided in such regulations as to nondiscrimination and persons unable to pay, and as to general methods of administration of the State plan, for facilities for which payments are authorized under this part. After such regulations have been issued, any State desiring to take advantage of this part may submit, as a revision of, or supplement to, its plan under section 623, a plan for a construction program for diagnostic or treatment centers, hospitals for the chronically ill and impaired, rehabilitation facilities, and nursing homes. The Surgeon General shall approve any such revision of, or supplement to, the State plan which is based upon a statewide inventory of existing facilities available for such purposes and which—

42 USC 291e.

"(1) meets the requirements of paragraphs (1), (2), (3), (6), (8), and (9) of section 623 (a): *Provided*, That if the designated advisory council does not include representatives of nongovernmental organizations or groups, or State agencies, concerned with rehabilitation, the plan shall provide for consultation with organizations, groups, and State agencies so concerned;

42 USC 291f.

"(2) conforms with the regulations prescribed under section 622 as revised and supplemented for the purposes of this part;

42 USC 291e.

"(3) sets forth, with respect to each type of facility, the relative need determined in accordance with such revised regulations, and provides for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, of such facilities in the order of such relative needs; and

"(4) provides that the State agency will from time to time review its construction program for such facilities as a part of its State plan and submit to the Surgeon General any modifications thereof which it considers necessary.

"(b) The provisions of subsections (b) and (c) of section 623 shall be applicable to State plans with respect to projects for construction under this part. Except with respect to hospitals, the provisions of subsection (d) of such section shall not be applicable to State plans with respect to projects for construction under this part.

42 USC 291f.

"APPROVAL OF PROJECTS AND PAYMENTS—FEDERAL SHARE

"SEC. 654. (a) Applications under this part by States, political subdivisions, or public or other nonprofit agencies for (1) public or

42 USC 291h,
291e.

other nonprofit diagnostic or treatment centers, (2) public or other nonprofit hospitals for the chronically ill and impaired, (3) public or other nonprofit rehabilitation facilities, or (4) public or other nonprofit nursing homes shall be submitted, and shall be approved by the Surgeon General (subject also, in the case of rehabilitation facilities, to the approval of the Secretary) if sufficient funds are available from the State's allotment under this part for such type of facility, in accordance with the procedures and subject to the conditions prescribed in subsection (a) of section 625 and the regulations issued under section 622 as revised and supplemented for the purposes of this part: *Provided, however,* That (except with respect to hospitals) the assurances required for compliance with State standards for operation and maintenance shall be limited to such standards, if any, as the State may prescribe. Approved applications shall be subject to amendment as provided in subsection (c) of section 625.

"(b) Upon the request of any State that a specified portion of any allotment to such State for the purposes of paragraph (1), (2), or (4) of section 651 be added to another allotment of such State for the purposes of one of such paragraphs, and upon the simultaneous certification to the Surgeon General by the State agency in such State to the effect that it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, the Surgeon General shall promptly adjust the allotments in accordance with such request and shall notify the State agency, and thereafter the allotments as so adjusted shall be deemed the State's allotments for the purposes of such paragraphs.

"(c) In accordance with regulations, any State may file with the Surgeon General a request that a specified portion of an allotment to it under this part for any type of facility be added to the corresponding allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a facility of that type in such other State. If it is found by the Surgeon General (or, in the case of a rehabilitation facility, by the Surgeon General and the Secretary) that construction of the facility with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this part, such portion of such State's allotment shall be added to the corresponding allotment of the other State, to be used for the purpose referred to above.

42 USC 291h.

"(d) Procedures and conditions for payments under this part shall be in accord with the provisions of subsection (b) of section 625.

Post, p. 465.

"(e) Notwithstanding subsection (a) of this section, no application for a diagnostic or treatment center shall be approved under such subsection unless the applicant is (1) a State, political subdivision, or public agency, or (2) a corporation or association which owns and operates a nonprofit hospital (as defined in section 631 (g))."

AMENDMENT OF PARTS A, C, AND D OF TITLE VI

42 USC 291.

SEC. 4. (a) That part of section 601 of the Public Health Service Act which precedes paragraph (a) is amended by striking out "purpose of this title" and inserting in lieu thereof "purpose of parts B through D of this title".

42 USC 291h.

(b) Subsection (e) of section 625 of the Public Health Service Act is hereby amended to read:

"(e) If any hospital, diagnostic or treatment center, rehabilitation facility, or nursing home for which funds have been paid under this

section or under section 654 shall, at any time within twenty years after the completion of construction, (A) be sold or transferred to any person, agency, or organization, (1) which is not qualified to file an application under this section, or (2) which is not approved as a transferee by the State agency designated pursuant to section 623 (a) (1), or its successor, or (B) cease to be a nonprofit hospital, nonprofit diagnostic or treatment center, nonprofit rehabilitation facility, or nonprofit nursing home as defined in section 631 (g), the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a hospital, diagnostic or treatment center, rehabilitation facility, or nursing home, which has ceased to be nonprofit, from the owners thereof) an amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such hospital, center, facility, or nursing home is situated) of so much of the hospital, center, facility, or nursing home as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects."

42 USC 291f.

Infra.

(c) Subsection (g) of section 631 is amended to read:

42 USC 291i.

"(g) The terms 'nonprofit hospital', 'nonprofit diagnostic or treatment center', 'nonprofit rehabilitation facility', and 'nonprofit nursing home' mean any hospital, diagnostic or treatment center, rehabilitation facility, and nursing home, as the case may be, which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;"

"Nonprofit hospital."

(d) Subsection (h) of section 631 is amended to read:

42 USC 291i.

"(h) The term 'construction' includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architects' fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land;"

"Construction."

(e) Subsection (k) of section 631 is amended to read:

42 USC 291i.

"(k) (1) The term 'Federal share' with respect to any project means the proportion of the cost of construction of such project to be paid by the Federal Government. In the case of any project approved prior to October 25, 1949, the Federal share shall be 33 $\frac{1}{3}$ per centum of the cost of construction of such project. In the case of any project approved on or after October 25, 1949, the Federal share, except as otherwise provided in paragraph (2) of this subsection, shall be determined as follows—

"Federal share."

"(A) if the State plan, as of the date of approval of the project application, contains standards approved by the Surgeon General pursuant to section 623 (e), the Federal share with respect to such project shall be determined by the State agency in accordance with such standards;

42 USC 291f.

"(B) if the State plan does not contain such standards, the Federal share shall be the amount (not less than 33 $\frac{1}{3}$ per centum and not more than either 66 $\frac{2}{3}$ per centum or the State's allotment percentage, whichever is the lower) established by the State agency for all projects in the State: *Provided*, That prior to the approval of the first project in the State during any fiscal year, the State agency shall give to the Surgeon General written notification of the Federal share established under this subparagraph for projects in such State to be approved by the Surgeon General during such fiscal year, and the Federal share for projects in such State approved during such fiscal year shall not be changed after such approval.

"(2) In the case of projects eligible for approval under part G and approved after the effective date of that part, the Federal share shall be determined as provided in paragraph (1) of this subsection, or, if the State so elects, shall be 50 per centum of the cost of construction of the project: *Provided*, That prior to the approval of the first such project in the State during any fiscal year, the State agency shall give to the Surgeon General written notification of such election; and such election shall not be subject to change during such fiscal year after such approval."

42 USC 291f.
Definitions.

(f) Section 631 of the Public Health Service Act is further amended by the addition of the following subsections:

"(1) The term 'diagnostic or treatment center' means a facility for the diagnosis or diagnosis and treatment of ambulatory patients—

"(1) which is operated in connection with a hospital, or

"(2) in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State, or, in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State.

"(m) The term 'hospital for the chronically ill and impaired' shall not include any hospital primarily for the care and treatment of mentally ill or tuberculous patients.

"(n) The term 'rehabilitation facility' means a facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical, psychological, social, and vocational evaluation and services under competent professional supervision, and in the case of which—

"(1) the major portion of such evaluation and services is furnished within the facility; and

"(2) either (A) the facility is operated in connection with a hospital, or (B) all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State.

"(o) The term 'nursing home' means a facility for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services—

"(1) which is operated in connection with a hospital, or

"(2) in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State."

(g) Subsection (a) and subsection (b), paragraph (1), of section 632 are hereby amended to read:

42 USC 291j.
Withholding of
certification, etc.

42 USC 291b.
Ante, p. 461.

42 USC 291f.
Ante, p. 461.

42 USC 291e.

42 USC 291h.
Ante, p. 463.

"Sec. 632. (a) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the State agency designated in accordance with section 612 (a) (1) or section 647 (1) finds that the State agency is not complying substantially with the provisions required by section 612 (a) or section 647 to be contained in its application for funds under part B or part F, as the case may be, or after reasonable notice and opportunity for hearing to the State agency designated in accordance with section 623 (a) (1) or section 647 (1) finds (1) that the State agency is not complying substantially with the provisions required by section 623 (a), or by regulations prescribed pursuant to section 622, or with the provisions required by section 647, or by regulations prescribed pursuant to section 653, to be contained in its plan submitted under section 623 (a) or section 653, as the case may be, or (2) that any funds have been diverted from the purposes for which they have been allotted or paid, or (3) that any assurance given in an application filed under section 625 or section 654, as

the case may be, is not being or cannot be carried out, or (4) that there is a substantial failure to carry out plans and specifications approved by the Surgeon General under section 625 or section 654, as the case may be, or (5) that adequate State funds are not being provided annually for the direct administration of the State plan, the Surgeon General may forthwith notify the Secretary of the Treasury and the State agency that no further certification will be made under part B, part C, part F, or part G, as the case may be, or that no further certification will be made for any project or projects designated by the Surgeon General as being affected by the default, as the Surgeon General may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected by such default, he may withhold further certifications until there is no longer any failure to comply, or, if compliance is impossible, until the State repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

“(b) (1) If the Surgeon General refuses to approve any application under section 625 or section 654, the State agency through which the application was submitted, or if any State is dissatisfied with the Surgeon General's action under subsection (a) of this section, such State may appeal to the United States circuit court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Surgeon General shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.”

(h) Section 635 is hereby amended to read:

Appeal.

42 USC 291h.
Ante, p. 463.

42 USC 291m.

“STATE CONTROL OF OPERATIONS

“SEC. 635. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any hospital, diagnostic or treatment center, rehabilitation facility, or nursing home with respect to which any funds have been or may be expended under this title.”

Approved July 12, 1954.

Public Law 483

CHAPTER 472

AN ACT

To provide that each grant of exchange assignment on tribal lands on the Cheyenne River Sioux Reservation and the Standing Rock Sioux Reservation shall have the same force and effect as a trust patent, and for other purposes.

July 14, 1954
[S. 2488]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the date of the approval of this Act, each grant of exchange assignment of tribal lands on the Cheyenne River Sioux Reservation and the Standing Rock Sioux Reservation shall have the same force and effect, and shall confer the same rights, including all timber, mineral, and water rights now vested in or held by the Cheyenne River Sioux Tribe or the Standing Rock Sioux Tribe, upon the holder or holders thereof, that are conveyed by a trust patent issued pursuant to section 5 of the Act of February 8, 1887 (24 Stat. 388), as amended and supplemented, except that the period of trust and tax exemption shall continue until otherwise directed by Congress.

Sioux Indians.
Exchange grants.

25 USC 348.

Subsurface
rights.

SEC. 2. The Cheyenne River Sioux Tribe and the Standing Rock Sioux Tribe are authorized to pay to each holder of an exchange assignment of tribal lands all moneys collected by the tribe for the lease or use of subsurface rights in such lands.

Regulations.

SEC. 3. The Secretary of the Interior is authorized to prescribe such regulations as may be necessary to carry out the provisions of this Act.

Approved July 14, 1954.

Public Law 484

CHAPTER 473

July 14, 1954
[S. 3336]

AN ACT

To promote the apportionment of the waters of the Columbia River and tributaries for irrigation and other purposes by including the States of Nevada and Utah among the States authorized to negotiate a compact providing for such apportionment.

Columbia River
compact.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act granting the consent of Congress to the States of Idaho, Montana, Oregon, Washington, and Wyoming to negotiate and enter into a compact for the disposition, allocation, diversion, and apportionment of the waters of the Columbia River and its tributaries, and for other purposes", approved July 16, 1952 (66 Stat. 737), is amended by inserting after "Montana," the following: "Nevada,"; and after "Oregon," the following: "Utah,".

Approved July 14, 1954.

Public Law 485

CHAPTER 474

July 14, 1954
[H. J. Res. 537]

JOINT RESOLUTION

To permit articles imported from foreign countries for the purpose of exhibition at the Washington State Fourth International Trade Fair, Seattle, Washington, to be admitted without payment of tariff, and for other purposes.

Washington State
Fourth International
Trade Fair.
Free entry for
exhibits.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all articles which shall be imported from foreign countries for the purpose of exhibition at the Washington State Fourth International Trade Fair, to be held at Seattle, Washington, from March 11 to March 25, 1955, inclusive, by the International Trade Fair, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said trade fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said trade fair to sell within the area of the trade fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles

Sale, etc.

Marking require-
ments.

provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the trade fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said trade fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Trade Fair, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this joint resolution, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this joint resolution, shall be reimbursed by the International Trade Fair, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1524).

Approved July 14, 1954.

Abandoned articles, etc.

Transfers.

International Trade Fair, Inc.

Payment of customs charges, etc.

52 Stat. 1087.

Public Law 486

CHAPTER 475

JOINT RESOLUTION

To permit articles imported from foreign countries for the purpose of exhibition at the International Trade-Sample Fair, Dallas, Texas, to be admitted without payment of tariff, and for other purposes.

July 14, 1954
[H. J. Res. 545]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all articles which shall be imported from foreign countries for the purpose of exhibition at the International Trade-Sample Fair to be held at Dallas, Texas, in 1955, or for use in constructing, installing, or maintaining foreign exhibits at such fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges, under such regulations as the Secretary of the Treasury shall prescribe. It shall be lawful at any time during or within three months after the close of such fair to sell within the area of such fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their

International Trade-Sample Fair, Dallas, Tex.
Free entry of exhibits.

Sale, etc.

withdrawal; and on any articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of such fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such articles shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at such fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Trade-Sample Fair shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this joint resolution, and the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisalment, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this joint resolution, shall be reimbursed by the International Trade-Sample Fair to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury; and receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1524).

Approved July 14, 1954.

Public Law 487

CHAPTER 476

July 14, 1954
[H. R. 7371]

AN ACT

To provide for the disposal of paid postal-savings certificates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all claims for payment of any postal-savings certificate, or other evidence of deposit in the postal-savings depository system, including duplicates, which certificate or evidence of deposit, including duplicates, are shown by the records of the Post Office Department to have been duly paid, shall be barred if not presented to the Postmaster General within six years from the date on which such records show that they were paid.

(b) Final determination as to whether payment properly has been made on postal-savings certificates or other evidences of deposit in the postal-savings depository system, including duplicates, shall be based upon the official records of the Post Office Department.

SEC. 2. The Postmaster General may, under such regulations as he may prescribe, destroy, or otherwise dispose of, all postal-savings certificates, or other evidences of deposit in the postal-savings depository system, including duplicates, after the expiration of six years from the date payment thereon has been made as shown by the records of the Post Office Department.

Disposal.

SEC. 3. This Act shall take effect on the first day of the sixth calendar month following the date of its enactment.

Effective date.

Approved July 14, 1954.

Public Law 488

CHAPTER 477

AN ACT

Conferring jurisdiction on the United States District Court for the Northern District of California to hear, determine, and render judgment upon certain claims of the State of California.

July 14, 1954
[H. R. 3191]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred upon the United States District Court for the Northern District of California, sitting without a jury, to hear, determine, and render judgment upon the claims of the State of California against the United States for reimbursement of the amounts expended and to be expended in repairing the damage to levees and other flood-control works of the Sacramento River alleged to have resulted from the closing of the outlet gates on Shasta Dam by the Bureau of Reclamation, Department of the Interior, during May 1948.

Sacramento
River levee dam-
age claims, Calif.

SEC. 2. Notwithstanding any statute of limitations or lapse of time, suit upon such claims may be instituted at any time within one year after the date of enactment of this Act.

SEC. 3. In any suit brought pursuant to this Act (whether sounding in tort or in contract) proceedings shall be had, and the liability, if any, of the United States shall be determined, in accordance with the provisions of law applicable in the case of contract claims, or under the Federal Tort Claims Act, as amended, respectively, against the United States: *Provided*, That the passage of this legislation shall not be construed as an inference of liability on the part of the United States Government.

60 Stat. 842; 62
Stat. 982
28 USC 2671 et
seq.

Approved July 14, 1954.

Public Law 489

CHAPTER 478

AN ACT

To credit the Shoshone Irrigation District with a share of the net revenues from the Shoshone powerplant, and for other purposes.

July 14, 1954
[H. R. 6893]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, on behalf of the United States to enter into a contract with the Shoshone Irrigation District, Wyoming, containing appropriate provisions whereby—

Shoshone Irriga-
tion District, Wyo.
Powerplant rev-
enue contract.

(a) the United States shall credit the district with the sum of \$426,000 which sum shall be applied toward the payment of the annual construction payments of the district under its contract with the United States dated November 4, 1926, or any amendment thereof, as the same become due for the year 1954 and subsequent years until such credit is exhausted. Until such credit

is exhausted the United States consents to the expenditure by the district of money collected by the district, as part of the district's 1954 and subsequent budgets for the purpose of defraying annual construction payments to the United States, for such purposes of construction, reconstruction, rehabilitation, and operation and maintenance as may be approved by the appropriate State court in the manner provided by the applicable laws of the State of Wyoming;

(b) the district relinquishes and releases any and all of its claims, demands, and causes of action against the United States, from whatever cause or for whatever reason arising, with respect to any revenues heretofore or hereafter realized from, or with respect to control over, power facilities of the Shoshone Federal reclamation project heretofore or hereafter constructed, including the Shoshone power plant;

(c) there are effected changes, modifications, and financial adjustments in the district's contract with the United States dated November 4, 1926, to the extent required by a finding, based upon reclassifications of the lands of the Garland division, Shoshone Federal reclamation project, that thirty-five thousand nine hundred fifty and forty-four one-hundredths acres of the lands in said division are irrigable and that four hundred thirteen and six one-hundredths acres, formerly classified as irrigable, are now included in drain rights of way. Construction charges against the said four hundred thirteen and six one-hundredths acres shall continue to be included in the contractual obligation of the district and in the accounts of the Garland division, but the existing repayment contract of the district may be amended to relieve such lands from future assessment by the district. The provisions of this subsection shall be effective as of January 1, 1953;

(d) the district's obligation with respect to payment of its share of the cost of storage works of the Shoshone reclamation project is fixed at \$340,500, which amount the district shall continue to pay, along with other portions of the construction charge obligation except as otherwise provided in this Act, in accordance with the terms and conditions of its contract of November 4, 1926, aforesaid; and

(e) the district's obligation under its contract of November 4, 1926, aforesaid, is reduced, to the extent that such reduction has not already been made, by that portion of the unexpended balances of construction charges heretofore authorized and duly announced or promulgated which the Secretary, taking account of all lands to which said charges were applicable when they were announced or promulgated, shall determine is the ratable share of those balances applicable to the irrigable lands of the district and to the lands of the district, formerly classified as irrigable, which are now included in drain rights of way as hereinbefore provided. No part of the cost of the Shoshone powerplant, its distribution system, or any appurtenant features of said powerplant shall be charged against the district or landowners therein.

SEC. 2. The proviso affecting the application of net revenues of the Shoshone powerplant, as contained in the Act of March 4, 1929 (45 Stat. 1562, 1592), and the Act of April 9, 1938 (52 Stat. 210), are hereby modified to the extent necessary to permit \$426,000 of the net revenues of the Shoshone powerplant to be applied compatibly with the provisions of this Act.

SEC. 3. No landowner or entryman holding land found by the reclassifications aforesaid to be permanently unproductive shall be entitled

to credit from, or refund by, the United States for construction or other charges which, prior to the effective date of subsection (c), section 1, of this Act, had been paid or become due and payable on account of such land. Any water right appurtenant to said lands which has been acquired under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) shall cease and the water supply heretofore used or required to satisfy such right shall be available for disposition by the Secretary under those laws, but the water users on the Garland division shall have a preference right to the use of such water.

43 USC 371.

SEC. 4. If a contract in accordance with the provisions of subsections (a), (b), and (d) of section 1 of this Act shall not have been entered into within two years from the date of its enactment, the authority to enter into such a contract granted by this Act shall cease to be operative and shall be of no further force or effect.

Time limitation.

Approved July 14, 1954.

Public Law 490

CHAPTER 479

AN ACT

To remove clouds on the titles of certain lands in Colorado.

July 14, 1954
[H. R. 5620]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the boundary line established by George V. Boutelle in 1868 and reestablished by Benjamin H. Smith in 1875 is hereby confirmed and reestablished as the southern boundary of township 9 north, ranges 53 and 54 west, sixth principal meridian, Colorado, and as the northern boundary of lots 1, 2, 3, and 4 in each of sections 1, 2, 3, 4, 5, and 6, township 8 north, range 53 west, sixth principal meridian, Colorado.

Colorado.
Land boundary.

Approved July 14, 1954.

Public Law 491

CHAPTER 480

AN ACT

To convey by quitclaim deed certain land to the State of Texas.

July 14, 1954
[H. R. 7913]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized to convey by quitclaim deed to the State of Texas, for public park and recreational purposes only, such areas within the portion of Texarkana Dam and Reservoir project, Texas, designated as Atlanta State Park, as he shall deem essential to provide building sites for permanent buildings and other improvements for public park and recreational purposes, but not to exceed two hundred acres, at fair market value as determined by him, which in no event shall be less than the cost to the Government of acquiring such areas, and under such terms and conditions as he shall deem advisable to assure that the use of said areas by the State will not interfere with the operation of said dam and reservoir project and such additional terms and conditions as he shall deem advisable in the public interest.

Atlanta State
Park, Tex.
Conveyance.

The conveyance authorized by this Act shall not pass any right, title, or interest in oil, gas, fissionable materials, or other minerals.

Mineral rights,
etc.

In the event actual construction of the said buildings and improvements has not commenced within five years from the effective date of

Conditions.

this Act, or in the event said property shall cease to be used for public park and recreational purposes for a period of two successive years, then title thereto shall immediately revert to the United States.

Approved July 14, 1954.

Public Law 492

CHAPTER 481

July 14, 1954
[H. R. 9232]

AN ACT

To amend the Federal Property and Administrative Services Act of 1949, as amended, to extend until June 30, 1955, the period during which disposals of surplus property may be made by negotiation.

Surplus property
disposal.

67 Stat. 521.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 (e) of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. 484 (e)), is amended by striking out "June 30, 1954" and inserting in lieu thereof "June 30, 1955".

Approved July 14, 1954.

Public Law 493

CHAPTER 482

July 14, 1954
[H. R. 9340]

AN ACT

To provide for the conveyance of the federally owned lands which are situated within Camp Blanding Military Reservation, Florida, to the Armory Board, State of Florida, in order to consolidate ownership and perpetuate the availability of Camp Blanding for military training and use.

Camp Blanding,
Fla.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey, upon the terms and conditions and for the consideration set forth in section 2 of this Act, to the Armory Board, State of Florida (hereinafter referred to as the "board"), all of the right, title, and interest of the United States in and to certain land (hereinafter referred to as "Federal land") situated within Camp Blanding Military Reservation, Florida, and more particularly described as follows:

All of sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, township 5 south, range 23 east; all of sections 19 and 30, township 5 south, range 24 east; all that part of section 31, township 5 south, range 24 east, lying north of Florida State Highway Numbered 550; all that part of section 6, township 6 south, range 24 east, lying north of Florida State Highway Numbered 550; all of sections 1 to 12, inclusive, except the west half of the northwest quarter and the southeast quarter of the northwest quarter of section 2, and except the south half of the northeast quarter of section 10; section 17, except that part lying east of Florida State Highway Numbered 551 and south of Florida State Highway Numbered 48; all of sections 18 and 19; that part of section 20 lying west of Florida State Highway Numbered 551, except a triangular parcel in section 20 lying west of the right-of-way of Florida State Highway Numbered 551, south and east of the right-of-way of the north fork of Florida State Highway Numbered 48, and north and east of the right-of-way of the south fork of said Florida State Highway Numbered 48; and sections 28 to 33, inclusive, township 6 south, range 23 east; all that part of sections 16, 17, and 18, township 6 south, range 24 east, lying south of Florida State Highway Numbered 48, except the west half of the southwest quarter of aforesaid section 18; all of sections 19, 20, 21, 29, 30, 31, 32, 33, and section 28 except the northeast

quarter of the southeast quarter thereof, township 6 south, range 24 east; and sections 4, 5, 6, 7, 8, 18, and those portions of sections 9, 16, 17, 19, 20, and 30, township 7 south, range 24 east lying west and northwest of Florida State Highway Numbered 68; excepting from all the above-described area all lands within the rights-of-way of State roads traversing the area described; all being in Clay County, Florida, and containing forty thousand one hundred forty-five and fifty-one one-hundredths acres, more or less.

Reserving unto the United States, however, all uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands above described, and further reserving unto the United States through its authorized agents or representatives the right at any time to enter upon the lands above described and to prospect for, mine and remove said materials before referred to, making full compensation for any damage or injury occasioned thereby, provided, however, such lands may be used, and any rights otherwise acquired by said Board pursuant to any conveyance of said described lands as herein provided for, as if no reservation of such materials had been made; except that, when such use results in the extraction of such material from the land in quantities which may not be transferred or delivered without a license under the Atomic Energy Act of 1946, as it now exists or may hereafter be amended, such material shall be the property of the United States Atomic Energy Commission and said Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained, and also provided that if the said Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the said Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removed from its place of deposit in nature, and further provided that if and in the event the said Commission does not require delivery of such material to it, the reservation hereby made shall be of no force or effect.

Fissionable
source material
rights.
42 USC 1805.

60 Stat. 755.
42 USC 1801
note.

SEC. 2. The conveyance of the Federal land provided for in the first section shall be made upon the terms and conditions and for the consideration set forth as follows:

(1) In the event of the existence of any national emergency declared by proclamation of the President or by action of the Congress, the use of the Federal land, or any part thereof, shall, upon the request of the Secretary of the Army to the board, revert to the United States for the full period of such national emergency without cost to the United States. Upon the expiration of such national emergency such use of the Federal land shall cease in favor of the board, and the United States shall be under no obligation to restore the premises or to compensate the State for any waste or any damage to the property arising out of the use and occupancy thereof by the United States.

National emergency.

(2) In consideration of the conveyance of the Federal land, the board, acting for the State of Florida, shall agree to use for military purposes only, and not to sell, convey, or otherwise dispose of all or any part of certain land or permanent improvements thereon (hereinafter referred to as "State land") comprising a part of the State-owned portion of Camp Blanding Military Reservation to any party

Use for military
purposes.

other than the United States. The State land is more particularly described as follows:

TOWNSHIP 6 SOUTH, RANGE 23 EAST

The south half of the northeast quarter of section 10;

All of sections 13 and 14; a portion of section 15 more particularly described as follows: Beginning at a point on the east boundary line of section 15, said point being fifty feet south of the centerline of State Road Numbered 48; run thence south eighty-eight degrees twelve minutes forty-eight seconds west along a line, said line being fifty feet south of and parallel to the centerline of State Road Numbered 48, a distance of two thousand three hundred eighty-one and sixty-five one-hundredths feet to a point; run thence south fifty-one degrees forty-five minutes twenty-seven seconds east a distance of nine hundred fifty-three and fifty one-hundredths feet to a point; run thence south thirty-eight degrees fourteen minutes thirty-three seconds west a distance of one thousand nine hundred and seventy feet, more or less, to the northeasterly shoreline of Kingsley Lake; run thence southeasterly along the northeasterly shoreline of Kingsley Lake a distance of three thousand nine hundred and ten feet more or less, to the south boundary line of section 15; run thence easterly along the south boundary line of section 15 a distance of seven hundred eighty and ten one-hundredths feet, more or less, to the southeast corner of said section 15; run thence north along the east boundary line of section 15 a distance of five thousand two hundred thirty and ninety-three one-hundredths feet to the point of beginning; and all of sections 22, 23, 24, 25, 26, 27, 34, 35, and 36;

TOWNSHIP 7 SOUTH, RANGE 23 EAST

All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, except the southwest quarter of the northeast quarter of section 10 and the northwest quarter of the southeast quarter of section 20; all of section 25, lying northwest of State Highway Numbered 68; all of sections 26, 27, 28, and 29; and east half of section 30; all of sections 32, 33, and 34; and all of section 35 lying northwesterly of State Highway Numbered 68;

TOWNSHIP 8 SOUTH, RANGE 23 EAST

All of sections 3 and 4 lying northwesterly of State Highway Numbered 68; in section 5, the following lots and blocks in Spring Lake Estates, according to plat recorded in plat book 2, page 53 of the public records of said Clay County, Florida, viz: all of blocks 1, 2, and 3; lots 1 to 10, inclusive, block 4; all of blocks 9 and 10; lots 1 to 10, inclusive, block 11; all of blocks 13 to 27, inclusive; all of blocks 31 to 44, inclusive; the north half of section 8 and all that part of the north half of section 9 lying northwesterly of State Highway Numbered 68;

all in Clay County, Florida, and containing thirty thousand two hundred thirty-four and twenty-five one-hundredths acres, more or less.

National emergency.

(3) In the event of the existence of any national emergency declared by proclamation of the President or by action of the Congress, the use of the State land, or any part thereof, shall, upon request of the Secretary of the Army, be vested in the United States for the full period of such national emergency without cost to the United States in accordance with the usual conditions contained in the United States Standard Form of Lease. Upon the expiration of such national

emergency such use of the State land shall cease in favor of the board and such land shall be restored in accordance with the usual conditions contained in the United States Standard Form of Lease.

(4) In the event that the State of Florida or board shall at any time use for other than military purposes, sell, convey, or otherwise dispose of, or shall attempt to sell, convey, or otherwise dispose of, all or any part of the State or Federal land, all of the right, title, and interest in and to the Federal land shall revert to the United States without cost: *Provided, however*, That nothing herein contained shall prevent the State of Florida or board from disposing of interests or rights in land by lease, license, or easement or by contract of sale of timber or timber products, each of which shall be terminable at will in the event of need of the land involved during any national emergency and, insofar as these grants or sales affect Federal lands, shall be entered into only after the State of Florida or board and the United States, by and through the Secretary of the Army, or his designee, shall have reached an agreement within nine months subsequent to the date of enactment of this Act whereby revenues received by the State of Florida from any such lease, license, easement, or sale shall be expended for the management of natural resources at Camp Blanding and its maintenance and preservation as a military installation and the sharing of any residual revenue by the State of Florida or board and the United States: *Provided further*, That exploitation of minerals by strip mining or similar operations shall be confined to the following Federal lands: In township 5 south, range 23 east, sections 19, 30, and 31; in township 6 south, range 23 east, sections 6, 7, that part of section 8 lying southwest of State Highway Numbered 121; those parts of sections 17 and 20 now owned by the United States and sections 18, 19, 29, 30, 31, and 32: *Provided further*, That exploitation of minerals by strip mining or similar operations shall be confined to the following State lands: In township 7 south, range 23 east, sections 5, 6, 7, 8, 17, 18, 19, all of section 20, except the northwest quarter of the southeast quarter, section 29, and the east half of section 30: *And provided further*, That in event of breach by the Armory Board, State of Florida, of any of the provisions of this Act or of the provisions of the agreement pursuant to the Act, title to the Federal lands will revert to the United States.

Use for other than military purposes, etc.

Mineral exploitation.

Reversion to United States.

Approved July 14, 1954.

Public Law 494

CHAPTER 506

AN ACT

To preserve the eligibility of certain veterans to dental out-patient care and dental appliances.

July 15, 1954
[H. R. 6412]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That veterans of the Spanish-American War, including the Philippine Insurrection and the Boxer Rebellion, and veterans in training under Public Law 16, Seventy-eighth Congress, as amended and extended, shall not be subject to the limitation on out-patient dental care contained in the first proviso of the provision under the heading "Out-patient care" appearing under the heading "Veterans' Administration" in the Second Independent Offices Appropriation Act, 1954, or in the first proviso under the same heading in the Independent Offices Appropriation Act, 1955 (Public Law 428, Eighty-third Congress, second session).

Veterans.
Dental care.

57 Stat. 43.
38 USC 701, ch.
12A.

67 Stat. 191.

Ante, p. 290.

Approved July 15, 1954.

Public Law 495

CHAPTER 507

AN ACT

July 15, 1954
[S. 1999]

To provide for the recovery, care, and disposition of the remains of members of the uniformed services and certain other personnel, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare (hereafter in this Act individually and severally referred to as the Secretary) are hereby respectively granted the powers and authorities hereafter in this Act enumerated and defined.

Recovery, care,
and disposition.

SEC. 2. The Secretary is authorized to provide for the recovery, care and disposition of the remains of persons within the classes enumerated in section 3 hereof and, incident thereto, to pay the necessary expenses incurred for (a) notification to the next of kin or other appropriate person; (b) recovery and identification of remains; (c) preparation of remains for burial (including cremation of remains, upon request of the person recognized as the one to direct the disposition of the remains); (d) furnishing of a casket or urn, or both, with outside box; (e) hearse service; (f) funeral director's services; (g) transportation of remains and an escort of one person, including round-trip transportation and prescribed allowances for such escort, to the town or city, or national or other cemetery, designated by the person recognized as the person to direct the disposition of the remains or, in the absence of such designation, to a national or other cemetery designated by the Secretary in which burial of the decedent is authorized; (h) furnishing of a uniform or other articles of clothing; (i) presentation of a flag of the United States to the person recognized as the one to direct the disposition of the remains, except that the presentation of a flag shall not be authorized in the case of a military prisoner who dies while in his custody and whose sentence includes a discharge other than honorable; and (j) interment of remains.

Military person-
nel.

Reserve compo-
nents.

SEC. 3. The expenses authorized by section 2 hereof may be incurred by the Secretary in respect of (a) military personnel, including commissioned officers of the Coast and Geodetic Survey and the Public Health Service, who die while on active duty; (b) members of a reserve component of the Army, Navy and Marine Corps, Air Force, Coast Guard, Coast and Geodetic Survey, and Public Health Service, of the federally recognized National Guard or Air National Guard (in respect of duty for which they are entitled by law to receive pay from the Federal Government), or of the National Guard or Air National Guard of the United States, who die while on active duty, active duty for training, or while performing authorized travel to or from such service, or who die while on inactive duty training pursuant to proper authority, or who die while hospitalized or undergoing treatment at Government expense, as authorized by law, for injuries, illness, or disease contracted or incurred while on such service or inactive duty training or such authorized travel; (c) members of a Reserve Officers' Training Corps of the Army, Navy, and Air Force who die while attending training camps or on authorized practice cruises, pursuant to proper authority, or while performing authorized travel to or from such camps or cruises or while hospitalized or undergoing treatment at Government expense, as authorized by law, for injury, disease or illness contracted or incurred while attending such camps or on such cruises or authorized travel; (d) accepted applicants for enlistment in the Army, Navy and Marine Corps, Air Force, and Coast Guard; (e) former enlisted members of the Army, Navy

Accepted en-
listees.

Hospitalized
former enlistees.

ROTC.

and Marine Corps, Air Force, and Coast Guard who shall have been discharged in United States Government hospitals and who continue as patients in such hospitals to the date of their death; (f) retired members of the Army, Navy and Marine Corps, Air Force, and Coast Guard, and the reserve components thereof, hospitalized during periods of extended active duty, who continue as patients in United States Government hospitals to the date of their death; and (g) military prisoners who die while in his custody.

SEC. 4. The benefits of this Act shall not be denied in respect of a person within the classes enumerated in subsections (a), (b), (c), (d), (e), and (f) of section 3 hereof on the ground that such person was temporarily absent from active duty with or without leave at the time of his death, unless such person shall have prior to the time of his death been dropped from the rolls of his organization.

SEC. 5. The Secretary is authorized to provide for the care and disposition of the remains of prisoners of war and interned enemy aliens who die while in his custody, and, incident thereto, to pay the necessary expenses incurred for (a) notification to the next of kin or other appropriate person; (b) preparation of the remains for burial (including cremation); (c) furnishing of a casket or urn, or both, with outside box; (d) transportation of remains to the town, city, or cemetery designated by the Secretary; (e) furnishing of articles of clothing; and (f) interment of remains.

SEC. 6. The Secretary is authorized to provide for the care and disposition of the remains of pensioners and indigent patients who die in hospitals maintained and operated by him and persons dying on military reservations, and, incident thereto, to pay the necessary expenses incurred for (a) notification to the next of kin or other appropriate person; (b) preparation of remains for burial (including cremation); (c) furnishing of a casket or urn, or both, with outside box; (d) furnishing of articles of clothing; (e) transportation to a cemetery designated by the Secretary; and (f) interment of remains. However, no expenses shall be incurred pursuant to this section unless proper disposition of such remains cannot otherwise be made.

SEC. 7. (a) The Secretary is authorized, in the case of dependents of military personnel, including commissioned officers of the Coast and Geodetic Survey and the Public Health Service, on active duty, who die while residing with such military personnel at a place of duty outside the continental limits of the United States or in Alaska or while in transit to or from such place of duty, to provide for, and to pay the necessary expenses incurred for, the transportation of remains to such person's home or to such other place as the Secretary shall determine to be the appropriate place of interment. Mortuary services and supplies may be furnished, if practicable, by the Secretary in respect of such dependents on a reimbursable basis where local commercial mortuary facilities and supplies are not available, or if available, the cost thereof is prohibitive in the opinion of the Secretary. Reimbursement for the cost of mortuary services and supplies furnished under the authority of this subsection shall be collected and credited to current appropriations available for the payments of such costs.

(b) Section 1 of the Act entitled "An Act to defray the costs of returning to the United States the remains, families, and effects of officers and employees dying abroad, and for other purposes", approved July 8, 1940 (54 Stat. 743), is amended by adding a new clause (c) thereto to read as follows:

"(c) In the case of dependents of a civilian officer or employee who died while residing with such civilian officer or employee performing official duties at a place outside the continental United States or in Alaska or while in transit thereto or therefrom, the head of the depart-

Retired members.

Military prisoners.

Absence from duty at death.

Authorized expenses. Prisoners of war, etc.

Hospitalized pensioners, etc.

Limitation.

Dependents of military personnel.

Reimbursement.

Death outside U. S.

5 USC 103a, 103b.

Dependent of civilian employee.

ment concerned is authorized to pay the necessary expenses incurred for the transportation of remains to such person's home or to such other place as the head of the department concerned shall determine to be the appropriate place for interment. Mortuary services and supplies may be furnished, if practicable, by the department concerned in respect of such dependents on a reimbursable basis where local commercial mortuary facilities and supplies are not available, or if available, the cost thereof is prohibitive in the opinion of the head of such department. Reimbursement for the cost of mortuary services and supplies furnished under the authority of this subsection shall be collected and credited to current appropriations available for the payment of such costs."

SEC. 8. In the case of death occurring outside the continental limits of the United States or in Alaska, if local commercial mortuary facilities and supplies are not available, or if available the cost thereof is prohibitive in the opinion of the Secretary, mortuary services and supplies may be furnished by the Secretary on a reimbursable basis in respect of citizens of the United States who are (a) employees of humanitarian agencies accredited to the Armed Forces of the United States, such as the American Red Cross and United Service Organization, Incorporated; (b) civilians performing services directly for the Secretary by virtue of employment by an agency under contract with the Secretary; (c) masters, officers, and members of crews of merchant vessels operated by or for the account of the United States through the Secretary; (d) personnel on duty with the Armed Forces of the United States who are paid from nonappropriated funds; (e) persons within a class not specifically enumerated in this section, upon the specific request of the Department of State; or (f) dependents of citizens of the United States within the classes enumerated in this section who at the time of death reside abroad with the supporting citizen concerned. Government transportation for the remains of persons specified in this section to a port of entry in the United States may be furnished by the Secretary on a reimbursable basis. Reimbursement for the cost of services, supplies, and transportation furnished under the authority of this section shall be collected and credited to current appropriations available for such costs.

SEC. 9. The Secretary is authorized, when such action is necessary for the temporary interment of remains pending transportation to a designated cemetery as authorized by this Act, to acquire by purchase or otherwise, and to provide for the care and maintenance of, single or multiple grave sites in commercial cemeteries, or to acquire the right to use such grave sites for burial purposes. In the case of death occurring in locations outside continental United States where temporary commercial grave sites are not available on a reasonable basis, the Secretary is authorized to acquire land, or the right to use land, necessary for the temporary interment of remains as authorized by this Act.

SEC. 10. The Secretary is authorized to provide for the removal of remains from cemeteries on military reservations (including installation cemeteries), when such cemeteries have been, or are to be, discontinued, to national cemeteries, other installation cemeteries, or other cemeteries and for the removal from places of temporary interment, abandoned graves or abandoned cemeteries to national cemeteries, of the remains of military personnel whose last service terminated honorably by death or otherwise.

SEC. 11. In any case where expenses which are allowable under section 2 of this Act are borne by individuals, reimbursement to such individuals or their representatives may be made by the Secretary for such expenses in an amount not in excess of the cost normally incurred by the Secretary in furnishing such services or supplies as authorized

herein. No reimbursement, however, shall be made under this section for any expenses incurred prior to the date of the enactment of this Act which would not have been a proper charge against the Government at the time of the incurring of such expenses. The reimbursements authorized herein shall be in lieu of but not in addition to reimbursements for like purposes which may be otherwise authorized by Federal law or regulation, but a person entitled to any reimbursement under this section may elect under which provision of Federal law or regulation to claim such reimbursement.

SEC. 12. The Secretary may issue such regulations as may be necessary to carry out the purposes of this Act. The person recognized under such regulations as the person to direct the disposition of the remains of a deceased person shall be either a surviving spouse, a blood relative, or an adoptive relative of the deceased person, or, if none of such persons can be ascertained and located, a person standing in loco parentis to the deceased person.

SEC. 13. There are authorized to be appropriated from time to time such amounts as may be necessary to carry out the provisions of this Act.

SEC. 14. (a) Section 212 (a) (1) of the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), is amended by deleting therefrom the phrase "burial payments in the event of death,".

(b) Section 506 of the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), is amended by adding at the end thereof a new sentence reading as follows: "Appropriations available for carrying out the provisions of this Act shall also be available for the payment of such expenses relating to the recovery, care, and disposition of the remains of personnel or their dependents as may be authorized under other provisions of law."

(c) The following laws or parts of laws are hereby repealed:

(1) The Act of March 9, 1928 (45 Stat. 251, ch. 162), as amended by the Act of May 17, 1938 (52 Stat. 398);

(2) The Act of May 26, 1928 (45 Stat. 767, ch. 779);

(3) The fourth sentence and the first proviso of the Act of June 15, 1936 (49 Stat. 1507);

(4) The Act of April 20, 1940 (54 Stat. 144); and

(5) Title 14, United States Code, sections 504, 505, and 506.

SEC. 15. Section 9 of the Act of January 19, 1942 (56 Stat. 6), as amended by section 4 of the Act of March 29, 1944 (58 Stat. 129), is further amended by deleting the words "provisions of sections 1 to 5, inclusive, of the Act of April 20, 1940 (54 Stat. 144), relating to the burial expenses of Navy personnel, and the".

Approved July 15, 1954.

Regulations.

Appropriations.

Military benefits.
42 USC 213.

Transportation of remains.
42 USC 224.

Repeals.

10 USC 916-916d.
34 USC 923.

10 USC 455a,
455d,
34 USC 924-929.
63 Stat. 537.

33 USC 870.

34 USC 924-928.

Public Law 496

CHAPTER 508

AN ACT

To authorize the sale of certain vessels to Brazil for use in the coastwise trade of Brazil.

July 15, 1954
[S. 2370]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized, at any time prior to twenty-four months from the date of enactment of this Act, to transfer to the Government of Brazil or to citizens of Brazil title to not more than twelve C1-MAV-1 type merchant vessels under the following conditions:

(a) After consultation with the Secretary of State it is determined that the sale of such ships to Brazil will contribute to the economic development of Brazil, and such sales would serve the interest of the foreign policy of the United States;

Brazil.
Sale of vessels.

Conditions.

(b) After consultation with the Secretary of Defense it is determined that the sale of such vessels would not adversely affect the defense of the United States;

(c) After investigation it is determined that there are no privately owned C1-MAV-1 type vessels offered and available for sale by American citizens as defined in section 2 of the Shipping Act, 1916, as amended, at prices equal to or less than, and upon credit terms similar to, those provided for below;

60 Stat. 41.
50 USC app.
1736.

(d) The sale of such vessels shall be at prices determined under section 3 of the Merchant Ship Sales Act, 1946, as amended, as-is, where-is;

(e) At the time of sale the purchasers shall pay at least 25 per centum of the price determined under subsection (d). The Secretary of Commerce, after consultation with the National Advisory Council on International Monetary and Financial Problems, shall fix the terms of payment on unpaid balances, which terms shall in no event be more favorable than the terms applicable in the case of sales to citizens of the United States;

(f) The obligation of the purchasers with respect to the payment of such unpaid balance of the purchase price and interest thereon shall be secured by a mortgage which shall contain, among others, provisions according to such mortgage, the priorities over other liens and encumbrances accorded such mortgages on merchant vessels under the laws of the country to which the registry of the vessels is transferred; and

39 Stat. 730; 40
Stat. 901.
46 USC 808, 835.

(g) Every transfer under the authority of this Act, including transfers under the authority of section 9, or section 37, of the Shipping Act, 1916, within the intent of subsection (c) hereof, shall be subject to an agreement by the Government of Brazil that the vessels whether under mortgage to the United States or not shall not engage in international trade or in other than the coastwise trade of Brazil.

Approved July 15, 1954.

Public Law 497

CHAPTER 509

AN ACT

July 15, 1954
[S. 2728]

To authorize the collection of indebtedness of military and civilian personnel resulting from erroneous payments, and for other purposes.

U. S. and Armed
Forces employees.
Salary deduction
for erroneous pay-
ment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when it is determined by the Secretary of the department concerned or the head of the agency or independent establishment concerned, or one of their designees, that an employee of the United States or any member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, or a reserve component thereof, is indebted to the United States as the result of any erroneous payment made by the department, agency, or independent establishment concerned to or on behalf of any such person, the amount of the indebtedness may be collected in monthly installments, or at officially established regular pay period intervals, by deduction in reasonable amounts from the current pay account of such person. The deductions may be made only from basic compensation, basic pay, special pay, and incentive pay, retired pay, retainer pay, or in the case of persons not entitled to basic pay, other authorized pay. Collection shall be effected over a period not greater than the anticipated period of active duty or period of employment, as the case may be. The amount deducted for any period shall not exceed an amount equal to two-thirds of the pay from which the deduction is made, unless the

deduction of a greater amount is necessary to effect collection within the period or anticipated period of active duty or employment. If such individual retires, resigns, or his employment or period of active duty is otherwise terminated before such adjustment has been completed, adjustment shall be made by decreasing subsequent payments, of whatever nature, due such person by the department, agency, or independent establishment concerned. Nothing in this section shall modify any existing law which provides for forfeiture of pay or allowances.

SEC. 2. Each Secretary of a department, or head of an agency or independent establishment, as appropriate, shall prescribe regulations to carry out the purposes of this Act. Such regulations shall be approved by the Director of the Bureau of the Budget. Regulations prescribed by the Secretaries of the Army, Navy, and Air Force shall be uniform for the military services insofar as practicable.

SEC. 3. (a) In accordance with settlement procedures prescribed by the Comptroller General of the United States, the Secretary of the department concerned or the head of the agency or independent establishment concerned is authorized to charge the net amount of the unpaid and overpaid balances occurring in individual pay accounts against the appropriation for the fiscal year in which the balances occurred, and from which the amount was payable, and the net amount shall be credited to and paid from the corresponding appropriation for the next succeeding fiscal year.

(b) The Act of February 9, 1946 (ch. 2, 60 Stat. 3) is repealed.

SEC. 4. Nothing contained in this Act shall be construed as repealing, amending, or modifying in any way the provisions of the Act of May 22, 1928 (ch. 676, 45 Stat. 698).

Approved July 15, 1954.

Regulations.

Unpaid and overpaid balances.

Repeal.
31 USC 634a.

10 USC 875a.

Public Law 498

CHAPTER 510

AN ACT

To amend section 12 of the Alaska Public Works Act, approved August 24, 1949 (63 Stat. 629).

July 15, 1954
[H. R. 2683]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Alaska Public Works Act, approved August 24, 1949 (63 Stat. 629), is amended to read as follows:

"SEC. 12. The authority of the Secretary under this Act to provide public works and to enter into agreements with applicants in connection therewith shall terminate on June 30, 1959, or on the date he obligates for such purposes the total amount authorized to be appropriated hereunder, whichever first occurs."

Approved July 15, 1954.

Alaska public works program.

48 USC 486j.

Termination date.

Public Law 499

CHAPTER 511

AN ACT

To suspend for two years the duty on crude bauxite and on certain calcined bauxite and to remit the duty on certain bauxite to be imported for addition to the carillon of The Citadel, Charleston, South Carolina.

July 15, 1954
[H. R. 222]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective only with respect to articles entered, or withdrawn from warehouse, for

Bauxite.
Suspension of duty.

consumption during the two-year period which begins on the day following the date of the enactment of this Act, no duty shall be imposed upon bauxite, crude, not refined or otherwise advanced in condition in any manner, or upon calcined bauxite when imported for use in the manufacture of firebrick or other refractories under such regulations as the Secretary of the Treasury shall prescribe.

The Citadel.
Bells.

SEC. 2. The Secretary of the Treasury is authorized and directed to admit free of duty twenty-four bells imported for addition to the carillon possessed by The Citadel, an educational institution situated in Charleston, South Carolina.

Approved July 15, 1954.

Public Law 500

CHAPTER 512

AN ACT

July 15, 1954
[H. R. 8538]

To provide for the revocation or denial of merchant marine documents to persons involved in certain narcotics violations.

Narcotic users.
Seaman's document.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act—

58 Stat. 721.

(a) The term "narcotic drug" shall have the meaning ascribed to that term by paragraph (a) of the first section of the Narcotic Drugs Import and Export Act, as amended (21 U. S. C., sec. 171 (a)), and also shall include marihuana as defined in section 3238 (b) of the Internal Revenue Code.

53 Stat. 387.
26 USC 3238.

(b) The term "Secretary" means the head of the department in which the Coast Guard is operating.

(c) The term "seaman's document" means any document authorized by law or regulation to be issued to a merchant mariner by the Secretary.

SEC. 2. The Secretary may—

Denial.

(a) deny a seaman's document to—

(1) any person who, within ten years prior to the date of the application therefor, has been convicted in a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, which conviction has become final; or

(2) any person who, unless he furnishes satisfactory evidence that he is cured, has ever been a user of or addicted to the use of a narcotic drug; and

Revocation.

(b) take action, based on a hearing before a Coast Guard examiner, under hearing procedures prescribed by the Administrative Procedure Act, as amended (U. S. C., title 5, secs. 1001–1011), to revoke the seaman's document of—

60 Stat. 237.

(1) any person who, subsequent to the effective date of this Act and within ten years prior to the institution of the action, has been convicted in a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, the revocation to be subject to the conviction's becoming final; or

(2) any person who, unless he furnishes satisfactory evidence that he is cured, has been, subsequent to the effective date of this Act, a user of or addicted to the use of a narcotic drug.

Approved July 15, 1954.

Public Law 501

CHAPTER 513

AN ACT

To provide for the deposit of savings of enlisted members of the Army, Navy, Air Force, and Marine Corps, and for other purposes.

July 15, 1954
[H. R. 9008]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any enlisted member of the Army, Navy, Air Force, or Marine Corps, may deposit his savings, in sums not less than \$5, with any branch, office, or officer of that armed force designated by the Secretary of the military department concerned which shall furnish him a deposit book in which shall be entered the name of the officer receiving such deposit and of the enlisted member and the amount, date, and place of such deposit. Any amount heretofore or hereafter deposited shall be held during such period of his service as may be prescribed by the Secretary of the department concerned; shall be accounted for in the same manner as other public funds; shall be deposited in the Treasury of the United States and kept as separate funds known respectively as "Pay of the Army, Deposit Fund"; "Pay of the Navy, Deposit Fund"; "Pay of the Air Force, Deposit Fund"; and "Pay of the Marine Corps, Deposit Fund"; repayment of which to the enlisted member, or to his heirs or representatives, shall be made out of the respective funds created by said deposits.

Armed Forces.
Savings de-
posits.

SEC. 2. For any sums not less than \$5 so deposited for a period of six months, or longer, the enlisted member, upon final discharge or at such time or times prior thereto as may be prescribed by the Secretary of the department concerned, shall be paid interest at the rate of 4 per centum per annum.

Interest.

SEC. 3. Deposits and interest thereon shall be exempt from liability for such enlisted member's debts, including any indebtedness to the United States or to any of its instrumentalities, and shall not be subject to forfeiture by sentence of court-martial.

Liability exemp-
tion.

SEC. 4. The following are hereby repealed: Section 1305, Revised Statutes, as amended; section 1306, Revised Statutes, as amended; the Act of December 18, 1942 (ch. 765, 56 Stat. 1057, 1058), as amended; the Act of February 9, 1889 (ch. 119, 25 Stat. 657); the Act of June 29, 1906 (ch. 3590, 34 Stat. 579); the Act of February 28, 1931 (ch. 326, 46 Stat. 1448); and the Act of July 17, 1953 (ch. 219, 67 Stat. 176).

Repeals.
10 USC 906, 907.
34 USC 933-935.

34 USC 975.
34 USC 933.

Approved July 15, 1954.

Public Law 502

CHAPTER 531

AN ACT

To correct typographical errors in Public Law 368, Eighty-third Congress.

July 16, 1954
[H. R. 9561]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of May 26, 1948 (62 Stat. 274), as amended by Public Law 368, Eighty-third Congress, is hereby further amended as follows:

Civil Air Patrol.

Delete the word "officers" where it appears in paragraph (4) of said section and insert in lieu thereof the word "offices", and in the same paragraph, delete the word "Forces" where it appears therein and substitute in lieu thereof, the word "Force".

5 USC 6261.

Ante, p. 141.

SEC. 2. This Act shall be effective as of May 27, 1954.

Approved July 16, 1954.

Public Law 503

CHAPTER 532

JOINT RESOLUTION

July 16, 1954
[S. J. Res. 165]

To provide for construction by the Secretary of the Interior of the Glendo unit, Wyoming, Missouri River Basin project.

58 Stat. 891.

Whereas construction by the Secretary of the Interior of a dam and reservoir at the Glendo site on the North Platte River in Wyoming was authorized by section 9, subsection (c) of the Act of December 22, 1944 (58 Stat. 641, 653); and

Whereas the Interior Department Appropriation Acts for 1954 and several previous years have provided that "in order to promote agreement among the States of Nebraska, Wyoming, and Colorado, and to avoid any possible alteration of existing vested water rights, no part of this or of any prior appropriation shall be used for construction or for further commitment for construction of the Glendo unit or any feature thereof, until a definite plan report thereon has been completed, reviewed by the States of Nebraska, Wyoming, and Colorado, and approved by Congress"; and

58 Stat. 887.
33 USC 701-1.

Whereas a definite plan report was completed by the Bureau of Reclamation in December 1952, reviewed by the States aforesaid, and approved by Wyoming on March 5, 1953, by Colorado on March 31, 1953, and by Nebraska on May 19, 1953; thus substantially complying with the provision of section 1 of the Flood Control Act of 1944; and

Whereas the said definite plan report was approved by the Secretary of the Interior on February 19, 1954, and transmitted to the Congress by him on April 2, 1954; and

Whereas the Secretary of the Interior has found the Glendo unit to be economically and financially feasible and has recommended its early construction; and

Whereas, as appears in the stipulation signed on behalf of the States of Nebraska, Wyoming, and Colorado and of the United States on January 14, 1953, the prospect of construction of the Glendo unit as now proposed played an important part in the negotiations of said parties looking toward an amicable modification of the decree of the United States Supreme Court entered in the case of Nebraska versus Wyoming (325 U. S. 665); and

Whereas the United States Supreme Court has approved said stipulation and modified its decree in accordance therewith (345 U. S. 981): Now, therefore, be it

Glendounit, Wyo.
Congressional
approval.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the definite plan report on the Glendo unit, Missouri River Basin project, approved by the Secretary of the Interior on February 19, 1954, is hereby approved by the Congress, and the Secretary is authorized to construct and operate said unit in accordance with said report and with the modified decree of the United States Supreme Court in the case of Nebraska versus Wyoming (345 U. S. 981) and, through its physical and financial coordination and integration with the other Federal works constructed or authorized to be constructed under the comprehensive plans approved by section 9 of the Act of December 22, 1944 (58 Stat. 641, 653), as amended and supplemented, with the financial objective of returning its reimbursable costs during a fifty-year payment period.

58 Stat. 891.

33 USC 701-1.

Sec. 2. With respect to the Glendo unit, the provisions of section 1 (c) of the Flood Control Act of 1944 are hereby waived.

Approved July 16, 1954.

Public Law 504

CHAPTER 533

JOINT RESOLUTION

To designate the lake to be formed by the completion of the Texarkana Dam and Reservoir on Sulphur River, about nine miles southwest from Texarkana, Texas, as Lake Texarkana.

July 16, 1954
[H. J. Res. 459]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the lake that will be created by the construction of the Texarkana Dam and Reservoir in Sulphur River, between the counties of Bowie and Cass, in the State of Texas, about nine miles southwest from Texarkana, Texas, shall be known hereafter as Lake Texarkana, and any law, regulation, document, or record of the United States in which such lake is designated or referred to under any other name shall be held to refer to such lake under and by the name of Lake Texarkana.

Lake Texarkana,
Tex.

Approved July 16, 1954.

Public Law 505

CHAPTER 534

AN ACT

To authorize and direct the conveyance of certain lands to the Board of Education of Prince Georges County, Upper Marlboro, Maryland, so as to permit the construction of public educational facilities urgently required as a result of increased defense and other essential Federal activities in the District of Columbia and its environs.

July 16, 1954
[H. R. 4496]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Health, Education, and Welfare is authorized and directed to convey by quitclaim deed or other appropriate means to the Board of Education of Prince Georges County, Upper Marlboro, Maryland, upon such terms and conditions as she may deem necessary all right, title, and interest of the United States of America in and to those portions of Lot Numbered 3 and Lot Numbered 4 of the Godding Croft property located east of Indian Head Road, Maryland, and now under the control and jurisdiction of Saint Elizabeths Hospital, as the Secretary shall determine to be needed and usable by the Board of Education of Prince Georges County for educational purposes, upon payment by such Board to the Secretary of an amount equal to the fair market value of the property to be so transferred.

Board of Educa-
tion, Prince
Georges County,
Md.
Conveyance.

SEC. 2. The instrument of conveyance to be delivered by the Secretary shall contain appropriate provisions whereby there is reserved to the United States of America (a) all right, title, and interest in and to any and all oil, gas, hydrocarbons, minerals, or other ores, and source or fissionable materials and substance, together with the right to prospect for, mine, extract, and remove the same, and (b) the option to revert title to the property so conveyed in the event the Secretary of Health, Education, and Welfare determines that the Board of Education of Prince Georges County, its successors or assigns, fails to commence use of the said property for educational purposes within a reasonable time (as determined by the Secretary) after the delivery of the instrument of conveyance or thereafter fails for a period of one year to utilize the property for educational purposes.

Approved July 16, 1954.

Public Law 506

CHAPTER 535

July 16, 1954
[S. 3539]

AN ACT

To further amend title II of the Career Compensation Act of 1949, as amended, to provide for the computation of reenlistment bonuses for members of the uniformed services.

Armed Forces.
Reenlistment
bonus.

Nonapplicabil-
ity.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Career Compensation Act of 1949 (ch. 681, 63 Stat. 811), as amended (37 U. S. C. 238), is further amended by designating subsection “(e)” as subsection “(f)” and by inserting a new subsection (e), as follows:

- “(e) This section does not apply to—
- “(1) any person who originally enlists in a uniformed service after the date of enactment of this amendatory Act;
 - “(2) any member of a uniformed service in active Federal service on the date of enactment of this amendatory Act who elects to be covered by section 208 of this Act and who is otherwise eligible for the benefits of that section;
 - “(3) any person who—
 - “(A) was discharged or released from active duty from a uniformed service not more than ninety days before the date of enactment of this amendatory Act,
 - “(B) reenlists in that service within ninety days after the date of his discharge or release from active duty,
 - “(C) elects to be covered by section 208 of this Act, and
 - “(D) is otherwise eligible for the benefits of that section;
- or
- “(4) any person covered by clause (2) or (3) who at any time elects, or has elected, to be covered by section 208 of this Act.”

63 Stat. 802.
37 USC 231 note.

Reenlistment
within 90 days of
discharge.
Bonus computa-
tion.

SEC. 2. The Career Compensation Act of 1949, as amended, is further amended by inserting the following new section at the end of title II:

“SEC. 208. (a) Subject to subsections (b) and (c) of this section, a member of a uniformed service who reenlists in the regular component of the service concerned within ninety days after the date of his discharge or release from active duty, and who is not covered by section 207 of this Act, is entitled to a bonus computed according to the following table:

“Reenlistment involved ¹	Column (1) Take	Column (2) Multiply by
First.....	Monthly basic pay to which the member was entitled at the time of discharge. ²	Number of years specified in reenlistment contract, or six, if none specified. ³
Second.....	Two-thirds of the monthly basic pay to which the member was entitled at the time of discharge. ⁴	Number of years specified in reenlistment contract, or six, if none specified. ³
Third.....	One-third of the monthly basic pay to which the member was entitled at the time of discharge. ⁵	Number of years specified in reenlistment contract, or six, if none specified. ³
Fourth (and subsequent).	One-sixth of the monthly basic pay to which the member was entitled at the time of discharge. ⁵	Number of years specified in reenlistment contract, or six, if none specified. ³

¹ Any reenlistment when a bonus was not authorized is not counted.
² Two-thirds of the monthly basic pay in the case of a member in pay grade E-1 at the time of discharge.
³ On the sixth anniversary of an indefinite reenlistment, and on each anniversary thereafter, the member is entitled to a bonus equal to one-third of the monthly basic pay to which he is entitled on that anniversary date.
⁴ No bonus may be paid to a member in pay grade E-1 or E-2 at the time of discharge.
⁵ No bonus may be paid to a member in pay grade E-1, E-2, or E-3 at the time of discharge.

Exceptions.

“(b) No bonus may be paid to a member who reenlists—

- “(1) during his prescribed period of basic recruit training; or
- “(2) after completing a total of twenty years of active Federal service.

The bonus payable to a member who reenlists before completing a total of twenty years of active Federal service, but who will under that reenlistment complete more than twenty years of such service, is computed by using as a multiplier only that number of years which, when added to his previous service, totals twenty years.

“(c) The cumulative amount which may be paid to a member under this section, or under this section and any other provision of law authorizing reenlistment bonuses, may not exceed \$2,000.

“(d) An officer of a uniformed service who reenlists in that service within ninety days after his release from active duty as an officer is entitled to a bonus computed according to the table in subsection (a), if he served in an enlisted status in that service immediately before serving as an officer. For the purpose of this subsection, the monthly basic pay (or appropriate fraction if the member received a bonus for a prior reenlistment) of the grade in which the member is enlisted (computed in accordance with the cumulative years of service of the member) is to be used in column 1 of the table set forth under subsection (a) instead of the monthly basic pay to which he was entitled at the time of his release from active duty as an officer.

“(e) In this section, ‘reenlistment’ means—

“(1) an enlistment in a regular component of a uniformed service after compulsory or voluntary active duty in that service; or

“(2) a voluntary extension of an enlistment for two or more years.

“(f) Under such regulations as may be approved by the Secretary of Defense, or by the Secretary of the Treasury with respect to Coast Guard personnel, a member of a uniformed service who voluntarily, or because of his own misconduct, does not complete the term of enlistment for which he was paid a bonus under this section shall refund that percentage of the bonus that the unexpired part of his enlistment is of the total enlistment period for which the bonus was paid.

“(g) The Secretary concerned may prescribe regulations for the administration of this section in his department.”

Approved July 16, 1954.

Limitation.

Officers.

“Reenlistment.”

Refund.

Regulations.

Public Law 507

CHAPTER 536

AN ACT

To incorporate the Board for Fundamental Education.

July 19, 1954
[S. 1796]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons: Ernest R. Alexander, of Dallas, Texas; John R. Alford, of Henderson, Texas; William H. Book, of Indianapolis, Indiana; E. M. Dealey, of Dallas, Texas; A. Dale Fiers, of Indianapolis, Indiana; Fred F. Florence, of Dallas, Texas; E. B. Germany, of Dallas, Texas; Sam Gladney, of Dallas, Texas; Theodore B. Griffith, of Indianapolis, Indiana; O. H. Grissom, of Longview, Texas; Harry T. Ice, of Indianapolis, Indiana; J. C. Judge, of Mineola, Texas; George Kuhn, of Indianapolis, Indiana; Charles J. Lynn, of Indianapolis, Indiana; Eugene S. Pulliam, of Indianapolis, Indiana; C. B. Roberts, of Dallas, Texas; William L. Schloss, of Indianapolis, Indiana; Ben H. Wooten, of Dallas, Texas; and Joseph Zeppa, of Tyler, Texas; and their associates and successors are hereby created a body corporate by the name of Board for Fundamental Education (hereinafter referred to

Board for Fundamental Education.
Incorporation.

as the "corporation") and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

Organization.

SEC. 2. A majority of the persons named in the first section of this Act, or their successors, are hereby authorized to meet to complete the organization of the corporation by the adoption of a constitution and bylaws, the election of officers, and by doing all things necessary to carry into effect the provisions of this Act.

Purposes.

SEC. 3. The objects and purposes of the corporation shall be to foster the development of fundamental education through programs and projects such as—

(1) giving citizens (children, youth, and adults) opportunity to acquire the understandings and skills necessary to relate the resources of the community to the needs and interests of the community.

(2) demonstrating programs of fundamental education and measuring results.

(3) training men and women as leaders in fundamental education by providing internships and other experiences.

Powers.

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain and defend in any court of competent jurisdiction;

(2) to adopt, use, and alter a corporate seal;

(3) to choose such officers, managers, agents, and employees as the business of the corporation may require;

(4) to adopt and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which such corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for attaining the objects of accomplishing the purposes of the corporation, subject to applicable provisions of law of any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State;

(7) to transfer and convey real or personal property;

(8) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(9) to use the corporate funds to give prizes, awards, loans, scholarships and grants to deserving students for the purposes set forth in section 3;

(10) to publish a magazine and other publications; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

Activities.

SEC. 5. The activities of the corporation may be conducted throughout the various States, Territories, and possessions of the United States. The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice or service upon the corporation. The principal office of the corporation shall be established at such place as the board of directors deems appropriate.

D. C. agent.

Principal office.

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined according to the constitution and bylaws of the corporation. In the conduct of the official business of the corporation each member shall have one vote.

Membership.

SEC. 7. The corporation shall be governed by a board of directors composed of not less than fifteen members of the corporation who shall be elected annually to serve on such board by the members of the corporation.

Board of Directors.

SEC. 8. The officers of the corporation shall consist of a chairman of the board, a president, one or more vice presidents, a secretary, a treasurer, and such assistant officers as the board of directors shall designate. The officers shall perform such duties and have such powers as the bylaws and the board of directors may from time to time prescribe.

Officers.

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person except upon dissolution and final liquidation of the corporation as provided in section 15 of this Act.

Assets.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to any officer, director, or employee of the corporation, and any officer who participates in the making of such a loan shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

Loans.

SEC. 10. The corporation and its members, officers, and directors, as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

Political support, etc.

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

Liability.

SEC. 12. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends, or to engage in business for pecuniary profit.

Business for profit, etc.

SEC. 13. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, the board of directors, and committees having any authority under the board of directors; and it shall also keep a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member or his agent or attorney, at any reasonable time.

Records.

SEC. 14. (a) The financial transactions shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositors, fiscal agents, and custodians shall be afforded to such person or persons.

Audit.

(b) A report of such audit shall be made by the corporation to Congress not later than May 15 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such reports shall not be printed as public documents.

Report to Congress.

Liquidation.

SEC. 15. Upon final dissolution or liquidation of the corporation and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation shall be used by the board of directors for the purposes stated in section 3 above or be transferred to some recognized educational foundation.

Use of name.

SEC. 16. The corporation shall have the sole and exclusive right to use the name of Board for Fundamental Education as representing such corporation and such seals, emblems, and badges as the corporation may lawfully adopt.

Agents.

SEC. 17. As a condition precedent to the exercise of any power or privilege granted to the corporation under this Act, the corporation shall file in the office of the Secretary of State, or similar office, in each State and in each Territory or possession of the United States in which the corporation is doing business, the name and post office address of an authorized agent in such State, Territory, or possession upon whom legal process or demand against the corporation may be served.

SEC. 18. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved July 19, 1954.

Public Law 508

CHAPTER 537

AN ACT

July 19, 1954
[S. 2468]

To authorize the President to appoint to the grade of general in the Army of the United States those officers who, in grade of lieutenant general, during World War II commanded the Army Ground Forces, commanded an Army, commanded Army forces which included a field army and supporting units, or commanded United States forces in China and served as chief of staff to Generalissimo Chiang Kai-shek in the China Theater of Operations, and for other purposes.

U. S. Army gen-
erals.
Appointment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint to the grade of general in the Army of the United States any officer who, while serving in the grade of lieutenant general, by virtue of assignment was—

(1) the commanding general of the Army Ground Forces at any time between March 8, 1942, and August 16, 1945,

(2) in command, as Army Commander, of an Army of the United States in either the European-African-Middle Eastern Theater of Operations at any time between December 11, 1941, and May 8, 1945, or the Asiatic-Pacific Theater of Operations at any time between December 8, 1941, and August 16, 1945, or

(3) in command of Army forces which included one or more field armies and supporting units in the above-designated theaters of operations at any time between March 8, 1942, and August 16, 1945,

(4) the commanding general of the United States forces in China and chief of staff to Generalissimo Chiang Kai-shek in the China Theater of Operations at any time between December 8, 1941, and August 16, 1945,

(5) in command of Western Defense Command between December 5, 1939, and June 15, 1943,

and, if retired, to advance any such officer to such grade of general on the retired list. Any such officer who died prior to the date of enactment of this Act, or prior to appointment hereunder, may be so appointed posthumously. No increase of basic or retired pay or allowances shall result from the enactment of this Act or any appointment hereunder.

Approved July 19, 1954.

Public Law 509

CHAPTER 542

AN ACT

To authorize the Secretary of the Army to convey to the Government's grantors certain lands erroneously conveyed by them to the United States.

July 19, 1954
[H. R. 6422]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to convey by quitclaim deed to each grantor of the United States all of the right, title, and interest of the United States in and to those lands which were, through mistake, misunderstanding, error, or inadvertence conveyed, with certain other lands, to the United States by such grantor in connection with the expansion of the military reservation now known as the Camp Drum Military Reservation, New York, upon request of each such grantor.

Camp Drum Military Reservation,
N. Y.
Conveyance.

Approved July 19, 1954.

Public Law 510

CHAPTER 543

AN ACT

To exempt from taxation certain property of the Veterans of Foreign Wars of the United States in the District of Columbia.

July 19, 1954
[H. R. 7132]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the property situated in square 724 in the city of Washington, District of Columbia, described as lots 819, 820, 821, 822, 823, and 824, owned by the Veterans of Foreign Wars of the United States, is hereby exempt from all taxation so long as the same is owned and occupied by the Veterans of Foreign Wars of the United States and is not used for commercial purposes, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1091; D. C. Code, secs. 47-801b, 47-801c, and 47-801e).

Veterans of
Foreign Wars.

Approved July 19, 1954.

Public Law 511

CHAPTER 544

AN ACT

To amend paragraph 31 of section 7 of the Act entitled "An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended.

July 19, 1954
[H. R. 8973]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraph (e) of paragraph 31 of section 7 of the Act entitled "An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended (47 Stat. 556; sec. 47-2331 (e), D. C. Code, 1951 edition), is amended (a) by striking so much of the first sentence of said subparagraph (e) as reads "and a badge numbered to correspond with the number of said license, neither of which shall", and inserting in lieu thereof "which shall not"; and (b) by striking so much of the second sentence of said subparagraph as reads "and such badge prominently worn upon the driver's breast at all times while", and inserting in lieu thereof "at all times while the licensee is".

D. C. public vehicles.
Driver's badge.

Approved July 19, 1954.

Public Law 512

CHAPTER 545

AN ACT

July 19, 1954
[H. R. 8692]

To permit the payment of certain trust accounts to the beneficiary on the death of the trustee by savings and loan, and similar associations in the District of Columbia.

D. C. trust ac-
counts.

53 Stat. 567.

Payment on
death of trustee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act relating to banking, banks, and trust companies in the District of Columbia, and for other purposes", approved April 5, 1939 (D. C. Code, sec. 26-204), is amended to read as follows:

"SEC. 4. Whenever a deposit, savings account, or share account, which is in form in trust for another, shall be made or held by any person in any bank, trust company, savings and loan association, building association, building and loan association, or Federal savings and loan association, doing business in the District of Columbia, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such bank, trust company, or other association, such deposit, savings account, or share account, or any part thereof, together with the dividends, or interest thereon, may, in the event of the death of the trustee, be paid to the person for whom such deposit, savings account, or share account was made or held, or to his legal representative."

Approved July 19, 1954.

Public Law 513

CHAPTER 546

AN ACT

July 19, 1954
[H. R. 8974]

To permit investment of funds of insurance companies organized within the District of Columbia in obligations of the International Bank for Reconstruction and Development.

D. C. insurance
companies.
Investments.

Life.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 (1) of chapter III of the Act of June 19, 1934 (48 Stat. 1152), as amended (D. C. Code, title 35, sec. 535 (1)), is amended to read as follows:

"(1) Bonds, notes, or other evidences of indebtedness of the United States, any State, Territory, or possession of the United States, the District of Columbia, the Dominion of Canada, any Province of the Dominion of Canada, or of any administration, agency, authority, or instrumentality of any of the political units enumerated; or obligations issued or guaranteed as to principal and interest by International Bank for Reconstruction and Development."

SEC. 2. Section 18 (1) of chapter II of the Act of October 9, 1940 (54 Stat. 1072; D. C. Code, title 35, sec. 1321 (1)), is amended to read as follows:

Fire, casualty,
etc.

"(1) Bonds or other evidences of indebtedness of the United States, or of any State; or of the Dominion of Canada, or of any Province thereof; or obligations issued or guaranteed as to principal and interest by International Bank for Reconstruction and Development."

Approved July 19, 1954.

Public Law 514

CHAPTER 547

AN ACT

July 19, 1954
[H. R. 9143]

To repeal the provisions of section 16 of the Federal Reserve Act which prohibits a Federal Reserve bank from paying out notes of another Federal Reserve bank.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third paragraph of section 16 of the Federal Reserve Act, as amended, is amended by striking out the sentences thereof which read as follows: "Whenever Federal reserve notes issued through one Federal Reserve bank shall be received by another Federal Reserve bank, they shall be promptly returned for credit or redemption to the Federal Reserve bank through which they were originally issued or, upon direction of such Federal Reserve bank, they shall be forwarded direct to the Treasurer of the United States to be retired. No Federal Reserve bank shall pay out notes issued through another under penalty of a tax of 10 per centum upon the face value of notes so paid out."

Federal Reserve
notes.
40 Stat. 236.
12 USC 413.

Approved July 19, 1954.

Public Law 515

CHAPTER 553

AN ACT

July 20, 1954
[S. 1303]

To provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship by voting in a political election or plebiscite held in occupied Japan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a person who has lost United States citizenship solely by reason of having voted in any political election or plebiscite held in Japan between September 2, 1945, and April 27, 1952, inclusive, and who has not, subsequent to such voting, committed any act which, had he remained a citizen, would have operated to expatriate him, and is not otherwise disqualified from becoming a citizen by reason of sections 313 or 314, or the third sentence of section 318 of the Immigration and Nationality Act, may be naturalized by taking, prior to two years after the date of the enactment of this Act, before any naturalization court specified in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the applicable oath prescribed by section 337 of such Act. Certified copies of such oath shall be sent by such court or such diplomatic or consular officer to the Department of State and to the Department of Justice. Such oath of allegiance shall be entered in the records of the appropriate naturalization court, embassy, legation, or consulate, and upon demand, a certified copy of the proceedings, including a copy of the oath administered, under the seal of the naturalization court, embassy, legation, or consulate, shall be delivered to such person at a cost not exceeding \$5, which certified copy shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department or agency of the Government of the United States. Any such person shall have, from and after naturalization under this Act, the same citizenship status as that which existed immediately prior to its loss: *Provided,* That no such person

Japanese elec-
tions.
Citizenship of
voters.

66 Stat. 240.
8 USC 1424,
1425, 1429.

8 USC 1421(a).
8 USC 1448.

8 USC 1451.

shall be eligible to take the oath prescribed by section 337 of the Immigration and Nationality Act, unless he shall first take an oath before any naturalization court specified in subsection (a) of section 310 of the Immigration and Nationality Act, or before any diplomatic or consular officer of the United States abroad, that he has done nothing to promote the cause of communism. Naturalization procured under this Act shall be subject to revocation as provided in section 340 of the Immigration and Nationality Act, and subsection (f) of that section shall apply to any person claiming United States citizenship through the naturalization of an individual under this Act.

Approved July 20, 1954.

Public Law 516

CHAPTER 557

AN ACT

July 22, 1954
[S. 3605]

To abolish the offices of Assistant Treasurer and Assistant Register of the Treasury and to provide for an Under Secretary for Monetary Affairs and an additional Assistant Secretary in the Treasury Department.

Treasury Dept.

44 Stat. 237.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 303 of the Revised Statutes, as amended (31 U. S. C. 143), establishing the office of Assistant Treasurer of the United States, and the Act approved April 9, 1926 (31 U. S. C. 143a) designating the Deputy Assistant Treasurer as Assistant Treasurer, are repealed.

(b) Section 304 of the Revised Statutes, as amended (31 U. S. C. 144), is amended (1) by striking out "Treasurer may, in his discretion, and with the consent of the Secretary of the Treasury, authorize the Assistant Treasurer to act in the place and discharge any or all of the duties of the Treasurer of the United States; and the", and (2) by striking out "both the Treasurer and Assistant Treasurer" and inserting in lieu thereof "the Treasurer".

27 Stat. 752.

SEC. 2. Sections 314 and 315 of the Revised Statutes, as amended, and the joint resolution approved December 13, 1892 (31 U. S. C. 164, 165, and 166), establishing the office of Assistant Register of the Treasury, specifying the duties of the office, and providing for the appointment of an Acting Assistant Register, are repealed.

42 Stat. 366.

Under Secretary.
Under Secretary
for Monetary Af-
fairs.

SEC. 3. The provision in the Act of February 17, 1922, which established the office of Under Secretary of the Treasury, as amended and supplemented (5 U. S. C. 244), is amended to read as follows:

"There shall be in the Department of the Treasury an Under Secretary and an Under Secretary for Monetary Affairs, each to be appointed by the President, by and with the advice and consent of the Senate. The compensation of the Under Secretary and the Under Secretary for Monetary Affairs shall be at the rate of \$17,500 each per annum. They shall perform such duties in the Office of the Secretary as may be prescribed by the Secretary of the Treasury."

Assistant Sec-
retaries.

SEC. 4. Section 234 of the Revised Statutes, as amended (5 U. S. C. 246), is further amended to read as follows:

"SEC. 234. There shall be in the Department of the Treasury three Assistant Secretaries of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate."

Approved July 22, 1954.

Public Law 517

CHAPTER 558

AN ACT

To revise the Organic Act of the Virgin Islands of the United States.

July 22, 1954
[S. 3378]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Revised Organic Act of the Virgin Islands".

Revised Organic
Act of the Virgin
Islands.
Applicability.

SEC. 2. (a) The provisions of this Act, and the name "Virgin Islands" as used in this Act, shall apply to and include the territorial domain islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are hereby declared an unincorporated territory of the United States of America.

(b) The government of the Virgin Islands shall have the powers set forth in this Act and shall have the right to sue by such name and in cases arising out of contract, to be sued: *Provided*, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by this Act.

Government.
Power to sue,
etc.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

Capital.

BILL OF RIGHTS

SEC. 3. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assembly and petition the government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.

No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

No money shall be paid out of the Virgin Islands treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this Act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however,* That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

Legislature.

SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands", herein referred to as the legislature.

Senators.
Districts.

(b) The legislature shall be composed of eleven members to be known as senators. The Virgin Islands shall be divided into three legislative districts, as follows: The District of Saint Thomas, comprising Saint Thomas, Hassel, Water, Savana, Inner Brass, Outer Brass, Hans Lollik, Little Hans Lollik, Great Saint James, Little Saint James, and Capella Islands, Thatch Cay and adjacent islets and cays; the District of Saint Croix, comprising Saint Croix and Buck Islands and adjacent islets and cays; and the District of Saint John, comprising Saint John and Flanagan Islands, Grass, Mingo, Lovango, and Congo cays and adjacent islets and cays. Two senators shall be elected by the qualified electors of the District of Saint Thomas; two senators shall be elected by the qualified electors of the District of Saint Croix; and one senator shall be elected by the qualified electors of the District of Saint John. The other six senators shall be senators at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: *Provided,* That in the election of senators at large, each elector shall be entitled to vote for two candidates, and the candidates receiving the largest number of

Number.
Election.

votes shall be declared elected up to the number to be elected at that election. The order of names upon the ballot for each office shall be determined by lot among the candidates: *Provided*, That the Government Secretary or his designee is authorized to draw for a candidate who does not appear in person, or by authorized representative, at the drawing of lots.

Sec. 6. (a) The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in April following his election: *Provided, however*, That the term of office of each member elected in November 1954 shall commence on the second Monday in January 1955 and shall continue until the second Monday in April 1957.

Terms of office.

(b) No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

Eligibility requirements.

(c) All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct.

Electoral officers, etc.

(d) No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

Senatorial immunity.

(e) Each member of the legislature shall be paid the sum of \$600 annually, one-third on the second Monday in April, one-third on the second Monday in May, and one-third at the close of the regular session: *Provided, however*, That each member of the legislature shall be paid for the regular session commencing on the second Monday in January 1955, the sum of \$600 annually, one-third on the second Monday in January, one-third on the second Monday in February, and one-third at the close of that session. Each member of the legislature who is away from the island of his residence shall also receive the sum of \$10 per day for each day's attendance while the legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof, for not to exceed a total of eight round trips during any calendar year. The salaries, per diem, and travel allowances of the members of the legislature shall be paid by the Government of the United States.

Compensation.

Per diem.

Travel allowance.

(f) No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term.

Limitations.

(g) The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes, inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoena to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on the date of

Powers.

approval of this Act shall continue in force and effect for sessions of the legislature, except as inconsistent with this Act, until altered, amended, or repealed by the legislature.

Vacancies.

(h) The Governor of the Virgin Islands shall fill any vacancy in the office of a member of the legislature by appointment. If the vacant office is that of a senator from a district, the person appointed shall be a resident of the district from which the member whose office is vacant was elected. If the vacant office is that of a senator at large the person appointed may be a resident of any part of the Virgin Islands. In any case, the person appointed shall serve for the remainder of the unexpired term.

Sessions.

SEC. 7. (a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in April, and shall continue in regular session for not more than sixty consecutive calendar days in any calendar year: *Provided, however,* That the annual session for 1955 shall commence on the second Monday in January 1955, and shall continue in regular session for not more than sixty consecutive calendar days. The Governor may call special sessions of the legislature at any time when in his opinion the public interests may require it, but no special session shall continue longer than fifteen calendar days, and the aggregate of such special sessions during any calendar year shall not exceed thirty calendar days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.

Scope of powers.

SEC. 8. (a) The legislative authority and power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this Act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents.

Issuance of bonds.

(b) The legislature of the government of the Virgin Islands may cause to be issued on behalf of said government bonds or other obligations for a specific public improvement or specific public undertaking authorized by an act of the legislature, which bonds or obligations shall be payable solely from the revenues directly derived from and attributable to such specific public improvement or public undertaking.

Limitation.

The total amount of such revenue bonds which may be issued and outstanding for all such improvements or undertakings at any one time shall not be in excess of \$10,000,000. Bonds issued pursuant to this subsection may bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner as shall be prescribed by the government of the Virgin Islands.

Sale.

Signatures.

Said bonds shall be sold at public sale and shall be redeemable after five years without premium. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed 5 per centum per annum, payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued

Interest.

interest. All such bonds issued by the government of the Virgin Islands or by its authority shall be exempt as to principal and interest from taxation by the Government of the United States, or by the government of the Virgin Islands, or by any State, Territory, or possession or by any political subdivision of any State, Territory or possession, or by the District of Columbia. Such bonds shall under no circumstances constitute a general obligation of the Virgin Islands or of the United States. The legislature shall have no power to incur any indebtedness which may be a general obligation of said government.

(c) The laws of the United States applicable to the Virgin Islands on the date of approval of this Act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands, or any part thereof, on the date of approval of this Act shall, to the extent they are not inconsistent with this Act, continue in force and effect until otherwise provided by the Congress: *Provided*, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this Act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such Act of the legislature.

(d) The President of the United States shall appoint a commission of seven persons, at least three of whom shall be residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to the Congress within twelve months after the date of approval of this Act as to which statutes of the United States not applicable to the Virgin Islands on such date should be made applicable to the Virgin Islands, and as to which statutes of the United States applicable to the Virgin Islands on such date should be declared inapplicable. The members of the commission shall receive no salary for their service on the commission, but under regulations and in amounts prescribed by the Secretary of the Interior, they may be paid, out of Federal funds, reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the commission, and for time spent on official business of the commission, and their necessary travel expenses to and from meetings or when upon such official business, without regard to the Travel Expense Act of 1949.

(e) The Secretary of the Interior shall arrange for the preparation, at Federal expense, of a code of laws of the Virgin Islands, to be entitled the "Virgin Islands Code", which shall be a consolidation, codification and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it and any supplements to it shall be printed, at Federal expense, by the Government Printing Office as a public document.

SEC. 9. (a) The quorum of the legislature shall consist of seven of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands".

Tax exemption.

Applicability of
U. S. statutes.

48 USC 1405-
1406m.

Local laws, etc.

Commission to
survey statutes.

63 Stat. 166.
5 USC 835 note.

Virgin Islands
Code.

Legislative quo-
rum.

Enacting clause.

Governor's state message and budget.

(c) The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July.

Approval and disapproval of bills.

(d) Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within ten days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves the bill within ninety days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

Appropriations.

(e) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

Journal.

(f) The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

Transmission of laws to Interior and Congress.

(g) Copies of all laws enacted by the legislature shall be transmitted within fifteen days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

General elections.

SEC. 10. The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every two years thereafter. The Municipal Council of Saint Thomas and Saint John, and the Municipal Council of Saint Croix, existing on the date of approval of this Act, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations and funds of the governments of the municipality of Saint Thomas and Saint John and the

municipality of Saint Croix shall be transferred to the government of the Virgin Islands.

EXECUTIVE BRANCH

SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands", and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall maintain his official residence in the Government House on Saint Thomas during his official incumbency, free of rent, and while in Saint Croix may reside in Government House on Saint Croix free of rent. He shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respite for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall appoint all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the legislature, may give expressions to his views on any matter before that body, and may recommend bills to the legislature.

SEC. 12. The President shall appoint a Government Secretary for the Virgin Islands. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have such executive powers and perform such other duties as may be assigned to him by the Governor.

SEC. 13. The Governor may appoint an administrative assistant who shall reside in Saint Croix and an administrative assistant who shall reside in Saint John. These administrative assistants shall perform such duties as may be assigned to them by the Governor. In making

Governor.

Appointment.

Residence.

Powers.

Reports.

Delegated duties.

Secretary.

Administrative assistant.

such appointments, preference shall be given to qualified residents of the Virgin Islands.

Persons to act
for Governor.

SEC. 14. In case of a vacancy in the office of Governor or the disability or temporary absence of the Governor, the Government Secretary shall have all the powers of the Governor.

SEC. 15. The Secretary of the Interior may from time to time designate the head of an executive department of the government of the Virgin Islands to act as Governor in the case of a vacancy in the offices, or the disability or temporary absence, of both the Governor and the Government Secretary, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

Government re-
organization, etc.

SEC. 16. (a) The Governor shall, within one year after the date of approval of this Act, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments into not more than nine executive departments except for independent bodies whose existence may be required by Federal law for participation in Federal programs. The head of each executive department shall be designated as the Commissioner thereof, and the Commissioner of Finance shall be bonded. No other department, bureau, independent board, agency, authority, commission, or other instrumentality shall be created, organized, or established by the Governor or the legislature, without the prior approval of the Secretary of the Interior, unless required by Federal law for participation in Federal programs.

Commissioners.

(b) The Governor shall, from time to time, after complying with the provisions of subsection (a) of this section, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, subject to the approval of the legislature, not inconsistent with this Act, as he determines are necessary to promote effective management and to execute faithfully the purposes of this Act and the laws of the Virgin Islands.

Executive de-
partment heads.

(c) The heads of the executive departments created by this Act shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature.

Comptroller.

SEC. 17. (a) The Secretary of the Interior shall appoint a government comptroller who shall receive a salary of not to exceed \$12,500 per annum. The government comptroller shall hold office for a term of ten years and until his successor is appointed and qualified unless sooner removed by the Secretary of the Interior for cause. The government comptroller shall not be eligible for reappointment.

Duties.

(b) The government comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of the Virgin Islands and of funds derived from bond issues; and he shall audit and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(c) It shall be the duty of the government comptroller to bring to the attention of the proper administrative officer failures to collect amounts due the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

(d) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(e) The decisions of the government comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year from the date of the decision, to the Governor, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision.

Decisions.
Appeals.

(f) If the Governor confirms the decision of the government comptroller, then relief may be sought by appeal to the legislature or suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.

(g) The government comptroller is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

Direct communi-
cation.

(h) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government.

Fiscal report,
etc.

(i) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

(j) The office of the government comptroller shall be under the general supervision of the Secretary of the Interior, but shall not be a part of any executive department in the government of the Virgin Islands.

Supervision of
Secretary.

SYSTEM OF ACCOUNTS

SEC. 18. The Governor shall establish and maintain systems of accounting and internal control designed to provide—

(a) full disclosure of the financial results of the government's activities;

(b) adequate financial information needed for the government's management purposes;

(c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit; and

(d) reliable accounting results to serve as the basis for preparation and support of the government's request for the approval of the President or his designated representative for the obligation and expenditure of the internal revenue collections as provided in section 26, the Governor's budget request to the legislature, and for controlling the execution of the said budget.

SEC. 19. The office and activities of the Government Comptroller of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

GAO review and
report.

SEC. 20. (a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949.

Salaries.

(b) The Government Secretary, the heads of the executive departments, and the members of the immediate staffs of the Governor and

63 Stat. 880.
48 USC 1405s-1.

63 Stat. 954.
5 USC 1071 note.

the Government Secretary, shall receive annual salaries at rates established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

(c) The salaries of the Governor, the Government Secretary, and the members of their immediate staffs shall be paid by the United States. The salaries of the government comptroller and the heads of the executive departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.

JUDICIAL BRANCH

District Court.

SEC. 21. The judicial power of the Virgin Islands shall be vested in a court of record to be designated the "District Court of the Virgin Islands", and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

Jurisdiction.

SEC. 22. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States, regardless of the sum or value of the matter in controversy. It shall have general original jurisdiction in all other causes in the Virgin Islands, exclusive jurisdiction over which is not conferred by this Act upon the inferior courts of the Virgin Islands. When it is in the interest of justice to do so the district court may on motion of any party transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

Inferior courts.
Jurisdiction.

SEC. 23. The inferior courts now or hereafter established by local law shall have exclusive original jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for six months, or both, and all violations of police and executive regulations, and they shall have original jurisdiction, concurrently with the district court, of all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. Any action or proceeding brought in the district court which is within the jurisdiction of an inferior court may be transferred to such inferior court by the district court in the interest of justice. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing the practice and procedure of the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this Act or as may hereafter be so established.

Appointment of
District Court
judge, etc.

SEC. 24. The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the Presi-

dent for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the District Court the Chief Judge of the Third Judicial Circuit of the United States may assign a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States. The Attorney General shall, as heretofore, appoint a marshal and one deputy marshal for the Virgin Islands to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.

SEC. 25. The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in three months in each division. The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, United States Code, in civil cases, section 2073 of title 28, United States Code, in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases, shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the District Court by information as heretofore except such as may be required by local law to be prosecuted by indictment by grand jury.

SEC. 26. In any criminal case originating in the district court, no person shall be denied the right to trial by jury on the demand of either party. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

SEC. 27. The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands, who shall hold office for the term of four years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The United States attorney, by himself or the assistant United States attorney, shall conduct all legal proceedings, civil and criminal, to which the Government of the United States or the government of the Virgin Islands is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the government of the Virgin Islands. The United States attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General may appoint one assistant United States attorney. The Attorney General may authorize the employment of necessary clerical assistants. The compensation of the district attorney and his assistant and employees shall be fixed by the Attorney General and their salaries and the other necessary expenses of the office shall be paid from appropriations made to the Department of Justice. In the case of a vacancy in the office of the district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

62 Stat. 910.
Judicial divisions.

62 Stat. 961.
30 Stat. 554.
11 USC 53.

Trial by jury.

U. S. attorney.
Appointment,
term, etc.

Assistant, etc.

Salaries.

Vacancy.

FISCAL PROVISIONS

Funds for expenditure.

SEC. 28. (a) The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this Act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

68A Stat. 906,
\$7651.

68A Stat. 907,
\$7652(b).
Shipments to
U. S.

(b) Subchapter B of chapter 28 of the Internal Revenue Code is amended by adding to section 3350 thereof the following subsection:

"(c) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—Beginning with the fiscal year ending June 30, 1954, and annually thereafter, the Secretary of the Treasury shall determine the amount of all taxes imposed by, and collected during the fiscal year under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 per centum and less the estimated amount of refunds or credits shall be subject to disposition as follows:

Transfer of
moneys.

"(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue collected by the government of the Virgin Islands during the fiscal year, as certified by the Government Comptroller of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine: *Provided*, that the approval of the President or his designated representative shall be obtained before such moneys may be obligated or expended.

"(ii) There shall also be transferred and paid over to the government of the Virgin Islands during each of the fiscal years ending June 30, 1955, and June 30, 1956, the sum of \$1,000,000, or the balance of the internal revenue collections available under this subsection (c) after payments are made under the preceding paragraph (i), whichever amount is greater. The moneys so transferred and paid over shall be deposited in the separate fund established by the preceding paragraph (i), but shall be obligated or expended for emergency purposes and essential public projects only, with the prior approval of the President or his designated representative.

Emergencies and
public projects.

"(iii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

Unexpended balance.

"If at the end of any fiscal year the total of the Federal contribution made under (i) above at the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects as provided in (ii) above. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only, including payments under (ii) above, shall not exceed the sum of \$5,000,000 at the end of any fiscal year. Any unobli-

Limitation.

gated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts."

(c) Section 42 of the Trade Mark Act of 1946 (60 Stat. 440, 15 U. S. C., 1952 edition, sec. 1124), and section 526 of the Tariff Act of 1930 (46 Stat. 741, 19 U. S. C., 1952 edition, sec. 1526), shall not apply to importations into the Virgin Islands of genuine foreign merchandise bearing a genuine foreign trade-mark, but shall remain applicable to importations of such merchandise from the Virgin Islands into the United States or its possessions; and the dealing in or possession of any such merchandise in the Virgin Islands shall not constitute a violation of any registrant's right under said Trade Mark Act.

Trademark infringement.

(d) There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries, and the internal revenue taxes imposed by section 3350 of title 26, United States Code: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 per centum of their total value, upon which no drawback of custom duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally.

Ante, p. 1140.
Duty.

68A Stat. 907,
§7652(b).

MISCELLANEOUS PROVISIONS

SEC. 29. All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this Act, then within sixty days of the effective date thereof, make a written statement in the following form:

U. S. citizenship requirement.

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of _____ with fidelity.

Loyalty statement.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

SEC. 30. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to

Reports.

the judicial branch of said government which on the date of approval of this Act are under the supervision of the Director of the Administrative Office of the United States Courts, and the matters relating to the United States Attorney and the United States Marshal which on the date of approval of this Act are under the supervision of the Attorney General.

Public property.
Lease or sale.

SEC. 31. (a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

Control.

(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this Act.

SEC. 32. Section 6 of the Act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec. 104) is further amended by inserting the words "and the admission into the Virgin Islands" immediately following the word "Texas", so that such section will read as follows:

Diseased animals.
Importation prohibited.

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

Exception.

Penalty.

Disease prevention.

SEC. 33. Section 2 of the Act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U. S. C., 1946 edition, sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: "": *Provided*, That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States."

Live poultry.

Effective date.

SEC. 34. This Act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment.

Appropriations.

SEC. 35. There are hereby authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act.

Separability.

SEC. 36. If any clause, sentence, paragraph, or part of this Act, or the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby.

Approved July 22, 1954.

Public Law 518

CHAPTER 559

AN ACT

To amend the Federal Food, Drug, and Cosmetic Act with respect to residues of pesticide chemicals in or on raw agricultural commodities.

July 22, 1954
[H. R. 7125]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new paragraphs:

“(q) The term ‘pesticide chemical’ means any substance which, alone, in chemical combination or in formulation with one or more other substances, is an ‘economic poison’ within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C., secs. 135–135k) as now in force or as hereafter amended, and which is used in the production, storage, or transportation of raw agricultural commodities.

Pesticide chemical residues.
52 Stat. 1041.
21 USC 321.

Definitions.

61 Stat. 163.

“(r) The term ‘raw agricultural commodity’ means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.”

SEC. 2. Clause (2) of section 402 (a) of the Federal Food, Drug, and Cosmetic Act is amended to read as follows: “(2) if it bears or contains any added poisonous or added deleterious substance, except a pesticide chemical in or on a raw agricultural commodity, which is unsafe within the meaning of section 406, or if it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408 (a);”

Adulterated food.
21 USC 342.

21 USC 346.

SEC. 3. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

“TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

“SEC. 408. (a) Any poisonous or deleterious pesticide chemical, or any pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, added to a raw agricultural commodity, shall be deemed unsafe for the purposes of the application of clause (2) of section 402 (a) unless—

21 USC 342.

“(1) a tolerance for such pesticide chemical in or on the raw agricultural commodity has been prescribed by the Secretary of Health, Education, and Welfare under this section and the quantity of such pesticide chemical in or on the raw agricultural commodity is within the limits of the tolerance so prescribed; or

“(2) with respect to use in or on such raw agricultural commodity, the pesticide chemical has been exempted from the requirement of a tolerance by the Secretary under this section.

While a tolerance or exemption from tolerance is in effect for a pesticide chemical with respect to any raw agricultural commodity, such raw agricultural commodity shall not, by reason of bearing or containing any added amount of such pesticide chemical, be considered to be adulterated within the meaning of clause (1) of section 402 (a).

“(b) The Secretary shall promulgate regulations establishing tolerances with respect to the use in or on raw agricultural commodities of poisonous or deleterious pesticide chemicals and of pesticide chemicals which are not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, to the extent necessary to protect the public health. In establishing any such regulation, the Secretary shall give appropriate consideration, among other relevant factors, (1) to the

Establishment of tolerances.

necessity for the production of an adequate, wholesome, and economical food supply; (2) to the other ways in which the consumer may be affected by the same pesticide chemical or by other related substances that are poisonous or deleterious; and (3) to the opinion of the Secretary of Agriculture as submitted with a certification of usefulness under subsection (1) of this section. Such regulations shall be promulgated in the manner prescribed in subsection (d) or (e) of this section. In carrying out the provisions of this section relating to the establishment of tolerances, the Secretary may establish the tolerance applicable with respect to the use of any pesticide chemical in or on any raw agricultural commodity at zero level if the scientific data before the Secretary does not justify the establishment of a greater tolerance.

Exemptions.

“(c) The Secretary shall promulgate regulations exempting any pesticide chemical from the necessity of a tolerance with respect to use in or on any or all raw agricultural commodities when such a tolerance is not necessary to protect the public health. Such regulations shall be promulgated in the manner prescribed in subsection (d) or (e) of this section.

Procedure pursuant to petition.
7 USC 135 note.

“(d) (1) Any person who has registered, or who has submitted an application for the registration of, an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act may file with the Secretary of Health, Education, and Welfare, a petition proposing the issuance of a regulation establishing a tolerance for a pesticide chemical which constitutes, or is an ingredient of, such economic poison, or exempting the pesticide chemical from the requirement of a tolerance. The petition shall contain data showing—

Petition data.

“(A) the name, chemical identity, and composition of the pesticide chemical;

“(B) the amount, frequency, and time of application of the pesticide chemical;

“(C) full reports of investigations made with respect to the safety of the pesticide chemical;

“(D) the results of tests on the amount of residue remaining, including a description of the analytical methods used;

“(E) practicable methods for removing residue which exceeds any proposed tolerance;

“(F) proposed tolerances for the pesticide chemical if tolerances are proposed; and

“(G) reasonable grounds in support of the petition.

Notice.

Samples of the pesticide chemical shall be furnished to the Secretary upon request. Notice of the filing of such petition shall be published in general terms by the Secretary within thirty days after filing. Such notice shall include the analytical methods available for the determination of the residue of the pesticide chemical for which a tolerance or exemption is proposed.

Regulation.

“(2) Within ninety days after a certification of usefulness by the Secretary of Agriculture under subsection (1) with respect to the pesticide chemical named in the petition, the Secretary of Health, Education, and Welfare shall, after giving due consideration to the data submitted in the petition or otherwise before him, by order make public a regulation—

“(A) establishing a tolerance for the pesticide chemical named in the petition for the purposes for which it is so certified as useful, or

“(B) exempting the pesticide chemical from the necessity of a tolerance for such purposes,

Exception.

unless within such ninety-day period the person filing the petition requests that the petition be referred to an advisory committee or the

Secretary within such period otherwise deems such referral necessary, in either of which events the provisions of paragraph (3) of this subsection shall apply in lieu hereof.

“(3) In the event that the person filing the petition requests, within ninety days after a certification of usefulness by the Secretary of Agriculture under subsection (1) with respect to the pesticide chemical named in the petition, that the petition be referred to an advisory committee, or in the event the Secretary of Health, Education, and Welfare within such period otherwise deems such referral necessary, the Secretary of Health, Education, and Welfare shall forthwith submit the petition and other data before him to an advisory committee to be appointed in accordance with subsection (g) of this section. As soon as practicable after such referral, but not later than sixty days thereafter, unless extended as hereinafter provided, the committee shall, after independent study of the data submitted to it by the Secretary and other data before it, certify to the Secretary a report and recommendations on the proposal in the petition to the Secretary, together with all underlying data and a statement of the reasons or basis for the recommendations. The sixty-day period provided for herein may be extended by the advisory committee for an additional thirty days if the advisory committee deems this necessary. Within thirty days after such certification, the Secretary shall, after giving due consideration to all data then before him, including such report, recommendations, underlying data, and statement, by order make public a regulation—

“(A) establishing a tolerance for the pesticide chemical named in the petition for the purposes for which it is so certified as useful; or

“(B) exempting the pesticide chemical from the necessity of a tolerance for such purposes.

“(4) The regulations published under paragraph (2) or (3) of this subsection will be effective upon publication.

“(5) Within thirty days after publication, any person adversely affected by a regulation published pursuant to paragraph (2) or (3) of this subsection, or pursuant to subsection (e), may file objections thereto with the Secretary, specifying with particularity the provisions of the regulation deemed objectionable, stating reasonable grounds therefor, and requesting a public hearing upon such objections. A copy of the objections filed by a person other than the petitioner shall be served on the petitioner, if the regulation was issued pursuant to a petition. The petitioner shall have two weeks to make a written reply to the objections. The Secretary shall thereupon, after due notice, hold such public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. Any report, recommendations, underlying data, and reasons certified to the Secretary by an advisory committee shall be made a part of the record of the hearing, if relevant and material, subject to the provisions of section 7 (c) of the Administrative Procedure Act (5 U. S. C., sec. 1006 (c)). The National Academy of Sciences shall designate a member of the advisory committee to appear and testify at any such hearing with respect to the report and recommendations of such committee upon request of the Secretary, the petitioner, or the officer conducting the hearing: *Provided*, That this shall not preclude any other member of the advisory committee from appearing and testifying at such hearing. As soon as practicable after completion of the hearing, the Secretary shall act upon such objections and by order make public a regulation. Such regulation shall be based only on substantial evidence of record at such hearing, including any report, recommendations, underlying data, and reasons certified to the Secretary by an

Referral to advisory committee.

Regulation.

Effectivity.

Hearings.

60 Stat. 241.

advisory committee, and shall set forth detailed findings of fact upon which the regulation is based. No such order shall take effect prior to the ninetieth day after its publication, unless the Secretary finds that emergency conditions exist necessitating an earlier effective date, in which event the Secretary shall specify in the order his findings as to such conditions.

Secretary's proposals, etc.

7 USC 135 note.

“(e) The Secretary may at any time, upon his own initiative or upon the request of any interested person, propose the issuance of a regulation establishing a tolerance for a pesticide chemical or exempting it from the necessity of a tolerance. Thirty days after publication of such a proposal, the Secretary may by order publish a regulation based upon the proposal which shall become effective upon publication unless within such thirty-day period a person who has registered, or who has submitted an application for the registration of, an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical named in the proposal, requests that the proposal be referred to an advisory committee. In the event of such a request, the Secretary shall forthwith submit the proposal and other relevant data before him to an advisory committee to be appointed in accordance with subsection (g) of this section. As soon as practicable after such referral, but not later than sixty days thereafter, unless extended as hereinafter provided, the committee shall, after independent study of the data submitted to it by the Secretary and other data before it, certify to the Secretary a report and recommendations on the proposal together with all underlying data and a statement of the reasons or basis for the recommendations. The sixty-day period provided for herein may be extended by the advisory committee for an additional thirty days if the advisory committee deems this necessary. Within thirty days after such certification, the Secretary may, after giving due consideration to all data before him, including such report, recommendations, underlying data and statement, by order publish a regulation establishing a tolerance for the pesticide chemical named in the proposal or exempting it from the necessity of a tolerance which shall become effective upon publication. Regulations issued under this subsection shall upon publication be subject to paragraph (5) of subsection (d).

Confidential data.

“(f) All data submitted to the Secretary or to an advisory committee in support of a petition under this section shall be considered confidential by the Secretary and by such advisory committee until publication of a regulation under paragraph (2) or (3) of subsection (d) of this section. Until such publication, such data shall not be revealed to any person other than those authorized by the Secretary or by an advisory committee in the carrying out of their official duties under this section.

Advisory committees.

“(g) Whenever the referral of a petition or proposal to an advisory committee is requested under this section, or the Secretary otherwise deems such referral necessary the Secretary shall forthwith appoint a committee of competent experts to review the petition or proposal and to make a report and recommendations thereon. Each such advisory committee shall be composed of experts, qualified in the subject matter of the petition and of adequately diversified professional background selected by the National Academy of Sciences and shall include one or more representatives from land-grant colleges. The size of the committee shall be determined by the Secretary. Members of an advisory committee shall receive as compensation for their services a reasonable per diem, which the Secretary shall by rules and regulations prescribe, for time actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and subsistence expenses while so serving away from their

Members.

Compensation.

places of residence. The members shall not be subject to any other provisions of law regarding the appointment and compensation of employees of the United States. The Secretary shall furnish the committee with adequate clerical and other assistance, and shall by rules and regulations prescribe the procedure to be followed by the committee.

Clerical assistance, etc.

“(h) A person who has filed a petition or who has requested the referral of a proposal to an advisory committee in accordance with the provisions of this section, as well as representatives of the Department of Health, Education, and Welfare, shall have the right to consult with any advisory committee provided for in subsection (g) in connection with the petition or proposal.

Consultation right.

“(i) (1) In a case of actual controversy as to the validity of any order under subsection (d) (5), (e), or (1) any person who will be adversely affected by such order may obtain judicial review by filing in the United States Court of Appeals for the circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the entry of such order, a petition praying that the order be set aside in whole or in part.

Appeals.
Judicial review.

“(2) In the case of a petition with respect to an order under subsection (d) (5) or (e), a copy of the petition shall be forthwith served upon the Secretary, or upon any officer designated by him for that purpose, and thereupon the Secretary shall certify and file in the court a transcript of the proceedings and the record on which he based his order. Upon such filing, the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The findings of the Secretary with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole, including any report and recommendation of an advisory committee.

“(3) In the case of a petition with respect to an order under subsection (1), a copy of the petition shall be forthwith served upon the Secretary of Agriculture, or upon any officer designated by him for that purpose, and thereupon the Secretary shall certify and file in the court a transcript of the proceedings and the record on which he based his order. Upon such filing, the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part. The findings of the Secretary with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole.

“(4) If application is made to the court for leave to adduce additional evidence, the court may order such additional evidence to be taken before the Secretary of Health, Education, and Welfare or the Secretary of Agriculture, as the case may be, and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper, if such evidence is material and there were reasonable grounds for failure to adduce such evidence in the proceedings below. The Secretary of Health, Education, and Welfare or the Secretary of Agriculture, as the case may be, may modify his findings as to the facts and order by reason of the additional evidence so taken, and shall file with the court such modified findings and order.

“(5) The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a

62 Stat. 928.

stay of an order. The courts shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this section.

Temporary tolerances.
7 USC 135 note.

“(j) The Secretary may, upon the request of any person who has obtained an experimental permit for a pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act or upon his own initiative, establish a temporary tolerance for the pesticide chemical for the uses covered by the permit whenever in his judgment such action is deemed necessary to protect the public health, or may temporarily exempt such pesticide chemical from a tolerance. In establishing such a tolerance, the Secretary shall give due regard to the necessity for experimental work in developing an adequate, wholesome, and economical food supply and to the limited hazard to the public health involved in such work when conducted in accordance with applicable regulations under the Federal Insecticide, Fungicide, and Rodenticide Act.

Regulations prior to Jan. 1, 1953.
21 USC 346, 371.

“(k) Regulations affecting pesticide chemicals in or on raw agricultural commodities which are promulgated under the authority of section 406 (a) upon the basis of public hearings instituted before January 1, 1953, in accordance with section 701 (e), shall be deemed to be regulations under this section and shall be subject to amendment or repeal as provided in subsection (m).

Authority of Secretary of Agriculture.

7 USC 135 note.

“(l) The Secretary of Agriculture, upon request of any person who has registered, or who has submitted an application for the registration of, an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act, and whose request is accompanied by a copy of a petition filed by such person under subsection (d) (1) with respect to a pesticide chemical which constitutes, or is an ingredient of, such economic poison, shall, within thirty days or within sixty days if upon notice prior to the termination of such thirty days the Secretary deems it necessary to postpone action for such period, on the basis of data before him, either—

“(1) certify to the Secretary of Health, Education, and Welfare that such pesticide chemical is useful for the purpose for which a tolerance or exemption is sought; or

“(2) notify the person requesting the certification of his proposal to certify that the pesticide chemical does not appear to be useful for the purpose for which a tolerance or exemption is sought, or appears to be useful for only some of the purposes for which a tolerance or exemption is sought.

In the event that the Secretary of Agriculture takes the action described in clause (2) of the preceding sentence, the person requesting the certification, within one week after receiving the proposed certification, may either (A) request the Secretary of Agriculture to certify to the Secretary of Health, Education, and Welfare on the basis of the proposed certification; (B) request a hearing on the proposed certification or the parts thereof objected to; or (C) request both such certification and such hearing. If no such action is taken, the Secretary may by order make the certification as proposed. In the event that the action described in clause (A) or (C) is taken, the Secretary shall by order make the certification as proposed with respect to such parts thereof as are requested. If the event a hearing is requested, the Secretary of Agriculture shall provide opportunity for a prompt hearing. The certification of the Secretary of Agriculture as the result of such hearing shall be made by order and shall be based only on substantial evidence of record at the hearing and shall set forth detailed findings of fact. In no event shall the time elapsing between the making of a request for a certification under this subsection and

Hearing.

Time limitation.

final certification by the Secretary of Agriculture exceed one hundred and sixty days. The Secretary shall submit to the Secretary of Health, Education, and Welfare with any certification of usefulness under this subsection an opinion, based on the data before him, whether the tolerance or exemption proposed by the petitioner reasonably reflects the amount of residue likely to result when the pesticide chemical is used in the manner proposed for the purpose for which the certification is made. The Secretary of Agriculture, after due notice and opportunity for public hearing, is authorized to promulgate rules and regulations for carrying out the provisions of this subsection.

Opinion.

Regulations, etc.

HEW procedure
for regulation
amendment.

“(m) The Secretary of Health, Education, and Welfare shall prescribe by regulations the procedure by which regulations under this section may be amended or repealed, and such procedure shall conform to the procedure provided in this section for the promulgation of regulations establishing tolerances, including the appointment of advisory committees and the procedure for referring petitions to such committees.

Guaranties.
21 USC 333.

Payment of fees.

“(n) The provisions of section 303 (c) of the Federal Food, Drug, and Cosmetic Act with respect to the furnishing of guaranties shall be applicable to raw agricultural commodities covered by this section.

“(o) The Secretary of Health, Education, and Welfare shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Secretary, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the Secretary's functions under this section. Under such regulations, the performance of the Secretary's services or other functions pursuant to this section, including any one or more of the following, may be conditioned upon the payment of such fees: (1) The acceptance of filing of a petition submitted under subsection (d); (2) the promulgation of a regulation establishing a tolerance, or an exemption from the necessity of a tolerance, under this section, or the amendment or repeal of such a regulation; (3) the referral of a petition or proposal under this section to an advisory committee; (4) the acceptance for filing of objections under subsection (d) (5); or (5) the certification and filing in court of a transcript of the proceedings and the record under subsection (i) (2). Such regulations may further provide for waiver or refund of fees in whole or in part when in the judgment of the Secretary such waiver or refund is equitable and not contrary to the purposes of this subsection.”

Waiver or refund.

SEC. 4. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose and administration of this Act.

Appropriation.

SEC. 5. This Act shall take effect upon the date of its enactment, except that with respect to pesticide chemicals for which tolerances or exemptions have not been established under section 408 of the Federal Food, Drug, and Cosmetic Act, the amendment to section 402 (a) of such Act made by section 2 of this Act shall not be effective—

Effective dates.

Ante, p. 511.
21 USC 342.

(1) for the period of one year following the date of the enactment of this Act; or

(2) for such additional period following such period of one year, but not extending beyond two years after the date of the enactment of this Act, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that conditions exist which necessitate the prescribing of such additional period.

Approved July 22, 1954.

Public Law 519

CHAPTER 560

July 22, 1954
[H. R. 6342]

AN ACT

To amend the Public Buildings Act of 1949 to authorize the Administrator of General Services to acquire title to real property and to provide for the construction of certain public buildings thereon by executing purchase contracts; to extend the authority of the Postmaster General to lease quarters for post-office purposes; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL SERVICES ADMINISTRATION

SEC. 101. The Public Buildings Act of 1949 is amended by (1) redesignating section 411 thereof as section 412, and (2) inserting, immediately after section 410 thereof, the following new section:

"SEC. 411. (a) Whenever the Administrator of General Services determines that (1) the needs for space for the permanent activities of the Federal Government in any particular area cannot be satisfied by utilization of any existing property suitable for the purpose then owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder, he is hereby authorized to obtain and provide space for the accommodation of activities of the Government in the several States, the District of Columbia, and the Territories and possessions of the United States (including Guam), except for the accommodation of activities of the Post Office Department, by negotiating and entering into purchase contracts, the terms of which shall not be less than ten nor more than twenty-five years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder including provision for the exchange of surplus real property or real property which may become surplus as a result of such agreement, where the Administrator determines that the best interests of the Government in economy and efficiency of operation will be served. Every purchase contract entered into pursuant to this title shall provide for equal annual payments for the amortization of principal with interest thereon and the Administrator shall not enter into any such contract unless the amount of the annual payment required by such contract plus the aggregate of the annual payments required by all other purchase contracts entered into during the same fiscal year do not exceed the specific limitations on such payments which shall be provided in appropriation acts: *Provided*, That prior to July 1, 1955, a limitation of not to exceed \$5,000,000 is hereby established for such purpose.

"(b) The Administrator of General Services is authorized to exercise the powers granted in this section with respect to existing properties, including those for which conversions, additions, extensions, or remodeling may be required, and properties upon which construction is to be subsequently effected in pursuance of the terms of applicable purchase contracts.

"(c) The Administrator of General Services is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demo-

GSA and Post
Office.
Property con-
tracts.
Public Build-
ings Purchase
Contract Act of
1954.
63 Stat. 200.
40 USC 352 note.
Space procure-
ment.

Purchase con-
tracts.
Terms.

Limitation.

Existing prop-
erty utilization.

Agreements.

lition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts.

“(d) Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States: *Provided*, That no such agreement may provide for the payment by the United States in pursuance of the terms thereof of moneys in an aggregate annual amount in excess of 15 per centum of the appraised fair market value of the property at the date of the purchase contract, or in the case of property where construction shall not have been completed at that date in excess of 15 per centum of the fair market value at the date of completion of such construction. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

Contract provisions.

Limitations.

“(1) amortize—

“(A) the cost of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if owned or acquired by the contractor; or

“(B) the fair market value, on the date of the agreement, of completed improvements together with the site thereof; or

“(C) a combination of the foregoing in the case of existing improvements to be remodeled by the contractor; and

“(2) provide a reasonable rate of interest on the outstanding principal as determined under (1) above; and

“(3) reimburse the contractor for the cost of any other obligations assumed by him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so assumed by the contractor.

“(e) No proposed purchase contract agreement shall be executed under this section unless such agreement has been approved by the Director of the Bureau of the Budget, as evidenced by a written statement of such officer to the effect that the execution of such agreement is necessary and is in conformity with the policy of the President. No appropriations shall be made for purchase contract projects which have not been approved by resolutions adopted by the Committees on Public Works of the Senate and House of Representatives, respectively, within three years after the date of enactment of this Act. For the purpose of securing consideration of said approval the Administrator shall transmit to each such Committee a prospectus or the proposed project, including (but not limited to)—

Budget and Congressional approval.

“(1) a brief description of the building located or to be erected at a given location;

“(2) an estimate of the maximum cost of site and building together with the term of years over which payments would run and the maximum rate of interest that would be acceptable for any deferred part of such cost;

“(3) a certificate of need for the space signed by the head of the agency or agencies which will use the facility;

“(4) a statement by the Administrator of the General Services Administration that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed;

“(5) a statement of the managerial, custodial, heat and utility services to be provided by the contractor, or an estimate of their

probable cost if to be supplied in any part by the Government;
 “(6) a statement of the requirements for tax liability, upkeep and maintenance of the property by either the contractor or the Government during the period of the contract;

“(7) a statement of rents and other housing costs currently being paid by the Government for any agencies to be housed in the building to be erected; and

“(8) a statement in writing by the Director of the Bureau of the Budget that the project is necessary and in conformity with the policy of the President.

Payments.
 Available funds.

“(f) Funds now or hereafter available for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section: *Provided*, That no such funds may be expended for acquisition of title to the property covered by any such agreement prior to the expiration of the contract term specified therein (whether by exercise of option to purchase or otherwise) in the absence of specific appropriation of funds for such acquisition, which appropriations are hereby authorized: *Provided further*, That the value of any Government real property to be exchanged under any such agreement may be credited at the time of exchange to the payments to be made by the United States thereunder: *Provided further*, That Government real property to be exchanged may be credited in whole or in part to the purchase price of the property for which it is exchanged, except that where the amount of the credit for the real property to be exchanged exceeds the amount of the purchase price, the amount of the remaining proceeds shall, except as provided in section 205 of the Post Office Department Property Act of 1954, be covered into the miscellaneous receipts of the Treasury of the United States.

Title acquisition.

Real property exchange.

Post, p. 524.

Postal purposes.

“(g) When requested by the Postmaster General, the Administrator of General Services is hereby authorized to exercise the authority vested in him by this section (1) to acquire property for postal purposes, or (2) to provide space for postal purposes in buildings acquired under this section for other purposes.

Taxes.

“(h) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

Separability.

“(i) If any provision of this section or the application thereof to any person or circumstance is held invalid, the remainder of this section and the application thereof to other persons or circumstances shall not be affected thereby.

Advertising.
 63 Stat. 393.
 41 USC 252.

“(j) (1) Section 302 (c) of the Federal Property and Administrative Services Act of 1949 and section 355 of the Revised Statutes, as amended (50 U. S. C. 175), shall apply to purchase contract agreements entered into under this section, except that any such agreement may be entered into and placed in effect after request for but prior to receipt of an opinion of the Attorney General with respect to the validity of title to the property described therein.

Attorney General's opinion.

Non-applicability of statutes.

“(2) Except as provided by paragraph (1) of this subsection, sections 3733, 3734, and 3736 of the Revised Statutes, as amended (40 U. S. C. 259; 41 U. S. C. 12, 14); section 1 of the Act of March 3, 1877 (19 Stat. 370; 40 U. S. C. 34); section 3 of the Act of August 27, 1935, as amended (60 Stat. 257; 40 U. S. C. 304c); section 407 of this Act;

and any other provision of law (except applicable labor standards provisions) relating to the acquisition of real property, construction of buildings, or leasing of space, shall not apply to purchase contract agreements executed under this section."

SEC. 102. It is not the intention of the Congress that the program authorized by this title shall constitute a substitute for or a replacement of any program for the construction by the United States of such structures as may be required from time to time by the Federal Government.

SEC. 103. This title may be cited as the "Public Buildings Purchase Contract Act of 1954".

Federal construction programs.

Citation of title.

TITLE II—POST OFFICE DEPARTMENT

Post Office Department Property Act of 1954.
Purpose.

SEC. 201. It is the purpose of this title to supplement existing provisions of law for the leasing of space for postal purposes by providing authorization for the acquisition by the Postmaster General of such space through the execution of lease-purchase and other agreements under which the United States will obtain immediate use of such space and will make periodic payments, and in the case of lease-purchase agreements will obtain title to the property described therein at or prior to the end of the term prescribed therein. It is not the intention of the Congress that the program authorized by section 202 of this title shall constitute a substitute for or a replacement of any program for the construction by the United States of such structures as may be required from time to time by the postal service.

SEC. 202. (a) Whenever the Postmaster General determines that (1) there is a substantial need for space for postal purposes in any particular area which cannot be satisfied by utilization of any existing property suitable for the purpose then owned by the Government, (2) the receipts of the post office serving such area exceed \$10,000 per year, and (3) the best interests of the United States will be served by taking action hereunder, he is hereby authorized to obtain and provide space for postal purposes in suitable structures of permanent-type construction in the several States, the District of Columbia, and the Territories and possessions of the United States (including Guam), by negotiating and entering into lease-purchase agreements, the terms of which shall not be less than ten nor more than twenty-five years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the leasehold term and upon fulfillment of the terms and conditions stipulated in each of such lease-purchase agreements. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of rental payments made thereunder. Such payments under any such agreement may include amounts for the amortization of the fair market value on the date of such agreement of the property described therein. The financial transactions of the Post Office Department with respect to such lease-purchase agreements shall be subject to the accounting and auditing requirements of the Post Office Department Financial Control Act of 1950 (Act of August 17, 1950, ch. 735, Eighty-first Congress, second session).

Space procurement.

Lease-purchase agreements.
Terms.

Accounting and auditing.

64 Stat. 460.
39 USC 794-794f.

Existing property utilization.

(b) Except as provided in subsection (d) of this section, the Postmaster General is authorized to exercise the powers granted in this section with respect to existing properties, including those for which conversions, additions, extensions, or remodeling may be required, and properties upon which construction is to be subsequently effected in pursuance of the terms of applicable lease-purchase agreements.

(c) Except as provided in subsection (d) of this section, the Postmaster General is authorized to enter into agreements with any person,

Agreements.

Land develop- ment, etc.	copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land purchased by the United States for postal purposes, including the demolition of obsolete and outmoded structures situate thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable lease-purchase agreement.
Restriction.	(d) The authority conferred on the Postmaster General by subsections (b) and (c) of this section to enter into lease-purchase agreements with respect to property owned by the Government on the date of the enactment of this Act, is hereby restricted to exclude from such authority any site which has been acquired pursuant to law, prior to the enactment of this Act, on which there has been constructed a building to be used for postal purposes and which is presently being used for such purposes.
Agreement provi- sions.	(e) Each such lease-purchase agreement shall include such provisions as the Postmaster General, in his discretion, shall deem to be in the best interest of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such agreement shall provide for any payment to be made by the United States in excess of the amount necessary, as determined by the Postmaster General, to— <div data-bbox="536 891 718 921">(1) amortize— <div data-bbox="557 921 1293 995">(A) the cost of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if owned or acquired by the contractor, or (B) the fair market value, on the date of the agreement, of completed improvements together with the site thereof, or (C) a combination of the foregoing in the case of existing improvements to be remodeled by the contractor; and (2) provide a reasonable rate of interest on the outstanding principal as determined under (1) above, and (3) reimburse the contractor for the cost of any other obligations assumed by him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so assumed by the contractor.</div></div>
Use of rental funds.	(f) Funds available to the Post Office Department for the payment of rents are authorized to be utilized by the Postmaster General to make any payments becoming due from time to time from the United States in pursuance of lease-purchase agreements entered into under the authority of this title: <i>Provided</i> , That no such funds may be expended for acquisition of title to the property covered by any lease-purchase agreement prior to the expiration of the leasehold term specified therein (whether by exercise of option to purchase or otherwise) in the absence of specific appropriation of funds for such acquisition, which appropriations are hereby authorized.
Title acquisi- tion.	
Budget and Con- gressional ap- proval.	(g) No proposed lease-purchase agreement shall be executed under this section unless such agreement has been approved by the Director of the Bureau of the Budget, as evidenced by a written statement of such officer to the effect that the execution of such agreement is necessary and is in conformity with the policy of the President. No appropriations shall be made for lease-purchase projects which have not been approved by resolutions adopted by the Committees on Public Works of the Senate and House of Representatives, respectively, within three years after the date of enactment of this Act. For the purpose of securing consideration of said approval the Postmaster General

shall transmit to each such Committee a prospectus of the proposed project, including (but not limited to)—

(1) a brief description of the building located or to be erected at a given location;

(2) an estimate of the maximum cost of site and building together with the term of years over which payments would run and the maximum rate of interest that would be acceptable for any deferred part of such cost;

(3) a certificate of need for the space signed by the head of the agency or agencies which will use the facility;

(4) a statement by the Postmaster General that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed;

(5) a statement of the managerial, custodial, heat and utility services to be provided by the contractor, or an estimate of their probable cost if to be supplied in any part by the Government;

(6) a statement of the requirements for tax liability, upkeep and maintenance of the property by either the contractor or the Government during the period of the contract;

(7) a statement of rents and other housing costs currently being paid by the Government for any agencies to be housed in the building to be erected; and

(8) a statement in writing by the Director of the Bureau of the Budget that the project is necessary and in conformity with the policy of the President.

(h) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

Taxes.

(i) Every lease-purchase agreement entered into pursuant to this title shall provide for equal annual payments for the amortization of principal with interest thereon and the Postmaster General shall not enter into any such contract unless the amount of the annual payment required by such contract plus the aggregate of the annual payments required by all other lease-purchase agreements entered into during the same fiscal year do not exceed the specific limitations on such payments which shall be provided in appropriation acts: *Provided*, That prior to July 1, 1955, a limitation of not to exceed \$3,000,000 is hereby established for such purpose.

Amortization of
principal.
Annual pay-
ments.

Limitation.

SEC. 203. (a) The Postmaster General is authorized to—

Authorization.

(1) negotiate and enter into lease agreements with any person, copartnership, corporation, or other public or private entity, which do not bind the Government for periods exceeding thirty years for each such lease agreement, on such terms as the Postmaster General deems to be in the best interests of the United States, for the erection by such lessor of such buildings and improvements for postal purposes as the Postmaster General deems appropriate, on lands sold, leased, or otherwise disposed of by the Postmaster General to, or otherwise acquired by, such person, copartnership, corporation, or public or private entity;

(2) for the purposes of paragraph (1) of this section, and without regard to the Federal Property and Administrative Services Act of 1949 (Act of June 30, 1949, ch. 288, Eighty-first Congress, first session), as amended—

(A) acquire by purchase, condemnation, lease, donation, or otherwise, and on such terms as he shall deem appropriate to the best interests of the United States, real property and interests therein, for use for postal purposes; and

63 Stat. 377.
40 USC 471 note.

- (B) dispose of real property, and interests therein, acquired for use or used for postal purposes by sale, lease, or otherwise, on such terms as he shall deem appropriate to the best interests of the United States: *Provided*, That the Postmaster General shall not, for the purposes of this section, dispose of (1) any Government-owned property, or interests therein, acquired pursuant to section 101 of the Public Buildings Act of 1949 (63 Stat. 176) or (2) any Government-owned property, or interests therein, which has been acquired pursuant to law, prior to the enactment of this Act, on which there has been constructed a building to be used for postal purposes and which is presently being used for such purposes.
- 40 USC 352. (b) Funds available to the Post Office Department for the payment of rents are authorized to be utilized by the Postmaster General for the purposes of this section.
- Use of rental funds. SEC. 204. The Postmaster General may, at the time he enters into any lease-purchase or lease agreement under authority of this title, include in such agreement a provision for adjustment of the rental paid to any lessor to compensate for any increase or decrease in taxes on the leased property.
- Rental adjustment. SEC. 205. (a) Amounts received by the Government from sales, leases, or other disposals of property acquired under authority of this title in the performance by the Postmaster General of the functions vested in him by this title shall be credited to the current applicable appropriation of the Post Office Department and shall be available for expenditure for the purposes of this title: *Provided*, That any amount received by the Postmaster General from the sale of such property, under authority of this title, which exceeds the amount paid therefor from the appropriations for the Post Office Department, shall be covered into the Treasury as miscellaneous receipts.
- Sales receipts, etc. (b) Any amounts received by the Postmaster General from the sale, lease, or other disposal of real property acquired by the Government under authority of the Public Buildings Act of May 25, 1926 (44 Stat. 630), as amended, and the Public Buildings Act of 1949 (63 Stat. 176), as amended, which may be transferred to the Postmaster General, shall be disposed of in accordance with the provisions of section 321 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes" (47 Stat. 412; 40 U. S. C. 303b), section 5 of the Public Buildings Act of May 25, 1926, as amended (44 Stat. 633; 40 U. S. C. 345), or section 204 of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 388; 40 U. S. C. 485), whichever section may be applicable.
- 40 USC 341, 342, 344-347, 352 note. SEC. 206. The Postmaster General shall take title, on behalf of the United States, to all real property purchased by him under authority of this title.
- Property title. SEC. 207. (a) Section 355 of the Revised Statutes, as amended (50 U. S. C. 175), shall apply to the acquisition in fee simple of real property under this title, except that any lease-purchase agreement to acquire real property under this title may be entered into and placed in effect after request for but prior to receipt of an opinion of the Attorney General with respect to the validity of title to the real property described therein.
- Approval of Attorney General. (b) Section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall apply (1) to the acquisition of real property by lease-purchase agreements, under authority of section 202 of this title, and (2) to the lease agreements entered into under authority of paragraph (1) of section 203 (a) of this title.
- Advertisements.

(c) Except as provided by subsections (a) and (b) of this section, sections 3733, 3734, and 3736 of the Revised Statutes, as amended (40 U. S. C. 259; 41 U. S. C. 12, 14); section 1 of the Act of March 3, 1877 (19 Stat. 370; 40 U. S. C. 34); and any other provision of law (except applicable labor standards provisions) relating to the acquisition or disposal of real property, construction of buildings, or leasing of space, shall not apply to any of the functions performed by the Postmaster General in effectuating the purposes of this title.

Non-applicability of statutes.

SEC. 208. No agreement shall be entered into under this title later than a date ten years after the date of enactment of this title.

Time limitation.

SEC. 209. The Postmaster General shall include in his annual report an account of transactions conducted during the applicable year pursuant to the provisions of this title.

Annual report.

SEC. 210. This title may be cited as the "Post Office Department Property Act of 1954".

Short title.

Approved July 22, 1954.

Public Law 520

CHAPTER 561

AN ACT

To amend section 24 of the Federal Reserve Act, as amended.

July 22, 1954
[S. 3480]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth paragraph of section 24 of the Federal Reserve Act, as amended (U. S. C., 1952 edition, title 12, sec. 371), is amended by adding in clause (d) the words "or the Small Business Administration" after the words "the Housing and Home Finance Administrator", and by adding the words "or of the Small Business Act of 1953," after the words "Housing Act of 1948, as amended,".

38 Stat. 273; 65 Stat. 312.

Approved July 22, 1954.

Public Law 521

CHAPTER 562

AN ACT

To amend the Bankhead-Jones Farm Tenant Act, as amended, so as to provide for a variable interest rate, second mortgage security for loans under title I, and for other purposes.

July 22, 1954
[S. 1276]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1001), is further amended as follows:

Bankhead-Jones Farm Tenant Act, amendments.
50 Stat. 522
7 USC 1000.
Loan terms.

(a) The words "less any prior lien indebtedness" shall be added at the end of and as a part of the parenthetical phrase of section 3 (a) (7 U. S. C. 1003 (a)), and the words "or second" shall be inserted after the word "first" where it appears in the first sentence of section 3 (a).

Interest rates.
Direct loans.

(b) The words "a rate of interest not in excess of 5 per centum per annum as determined by the Secretary" shall be inserted in lieu of the words "the rate of 4 per centum per annum" in section 3 (b) (2) (7 U. S. C. 1003 (b) (2)).

62 Stat. 534.
Mortgage insurance.

(c) The words "shall not be in excess of 4 per centum per annum as determined by the Secretary" shall be inserted in lieu of the words "shall be 3 per centum per annum" in section 12 (c) (4) (7 U. S. C. 1005b (c) (4)).

(d) The words "pursuant to section 43" shall be deleted from section 46 (7 U. S. C. 1020).

62 Stat. 534.
7 USC 1017.

Loan protection,
etc.

(e) Section 51 of said Act (7 U. S. C. 1025) is amended to read as follows, except insofar as said section affects title III of the Bankhead-Jones Farm Tenant Act, as amended:

"The Secretary is authorized and empowered to make advances to preserve and protect the security for, or the lien or priority of the lien securing, any loan or other indebtedness owing to or acquired by the Secretary under this Act, the Act of August 14, 1946, the Act of April 6, 1949, the Act of August 28, 1937, or the item 'Loans to Farmers, 1948, Flood Damage' in the Act of June 25, 1948, as those Acts are heretofore or hereafter amended or extended; to bid for and purchase at any foreclosure or other sale or otherwise acquire property pledged, mortgaged, conveyed, attached, or levied upon to secure the payment of any such indebtedness; to accept title to any property so purchased or acquired; to operate for a period not in excess of one year from the date of acquisition, or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of section 43 of this Act."

Approved July 22, 1954.

60 Stat. 1062.
7 USC 1001 note.
63 Stat. 43; 50
Stat. 881.
12 USC 1148a-1
to 1148a-3; 7 USC
343f, 343g.
62 Stat. 1038.

7 USC 1017.

Public Law 522

CHAPTER 563

July 22, 1954
[H. R. 7468]

AN ACT

To amend certain provisions of part II of the Interstate Commerce Act so as to authorize regulation, for purposes of safety and protection of the public, of certain motor-carrier transportation between points in foreign countries, insofar as such transportation takes place within the United States.

Safety regula-
tions.
64 Stat. 574.
49 USC 303(a)
(11).
"Foreign com-
merce."

49 USC 315, 321,
304.

49 Stat. 557.
49 USC 315.
Surety bonds,
etc.

49 USC 321(c).

Service of proc-
ess.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (11) of section 203 (a) of the Interstate Commerce Act is amended by adding at the end thereof the following new sentence: "The term 'foreign commerce' also includes transportation between places in a foreign country, or between a place in one foreign country and a place in another foreign country, insofar as such transportation takes place within the United States, but only for purposes of the application, to carriers engaged in such transportation, of the following provisions of this part: Section 215 (which relates to insurance for the protection of the public), section 221 (which relates to designation of an agent for service of process), and those provisions of section 204 which relate to qualifications and maximum hours of service of employees and safety of operation and equipment."

SEC. 2. Section 215 of the Interstate Commerce Act is amended by adding at the end thereof the following sentence: "The Commission may prescribe, with respect to motor carriers operating within the United States in the course of engaging in transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country, such reasonable regulations concerning security for the protection of the public as the Commission is authorized, by this section, to prescribe for other motor carriers."

SEC. 3. Subsection (c) of section 221 of the Interstate Commerce Act is amended to read as follows:

"(c) Every motor carrier (including any motor carrier operating within the United States in the course of engaging in transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country) shall also file with the board of each State in which it operates and with the Interstate Commerce Commission a designation in writing of the name and post-office

address of a person in such State upon whom process issued by or under the authority of any court having jurisdiction of the subject matter may be served in any proceeding at law or equity brought against such carrier. Such designation may from time to time be changed by like writing similarly filed. In the event such carrier fails to file such designation, service may be made upon any agent of such motor carrier within such State."

Approved July 22, 1954.

Public Law 523

CHAPTER 565

AN ACT

July 23, 1954
[H. R. 8247]

To provide for the restoration and maintenance of the United States ship Constitution and to authorize the disposition of the United States ship Constellation, United States ship Hartford, United States ship Olympia, and United States ship Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to repair, equip, and restore the United States ship Constitution, as far as may be practicable, to her original condition, but not for active service, and thereafter to maintain the United States ship Constitution at Boston, Massachusetts.

Historic ships.
U.S.S. Constitu-
tion.
Restoration.

SEC. 2. The Secretary of the Navy is authorized—

(a) to make minimum repairs to the United States ship Constellation so as to enable that vessel to be safely transported, by towing or otherwise, from its present berth to the harbor of Baltimore, Maryland;

U.S.S. Constel-
lation.
Transfer to
Baltimore, Md.,
etc.

(b) to transport, by towing or otherwise, the United States ship Constellation from its present berth to the harbor of Baltimore, Maryland; and

(c) to transfer by gift the United States ship Constellation to the State of Maryland, the city of Baltimore, or to a corporation or association located in Baltimore whose charter or articles of agreement denies it the right to operate for profit, for restoration as a public memorial at Baltimore, Maryland.

SEC. 3. The Secretary of the Navy is authorized—

(a) to make minimum repairs to the United States ship Hartford so as to enable that vessel to be safely transported, by towing or otherwise, from its present berth to the harbor of Mobile, Alabama;

U.S.S. Hartford.
Transfer to
Mobile, Ala., etc.

(b) to transport, by towing or otherwise, the United States ship Hartford, from its present berth to the harbor of Mobile, Alabama; and

(c) to transfer by gift the United States ship Hartford to the State of Alabama, the city of Mobile, or to a corporation or association located in Mobile whose charter or articles of agreement denies it the right to operate for profit, for restoration as a public memorial at Mobile, Alabama.

SEC. 4. The Secretary of the Navy is authorized to make the transfers authorized in subsections 2 (c) and 3 (c) under such terms and conditions as he shall prescribe, such terms and conditions to include but not be limited to the following:

Terms and con-
ditions.

(a) Application for transfer hereunder will not be considered unless received within one year of the enactment of this Act;

(b) Each transferee shall take delivery of the vessel within one year of enactment of this Act;

(c) On failure to take delivery within one year of enactment

of this Act, the transferor having been willing and ready to make delivery and having offered delivery, the transferee shall lose all rights and interest in the vessel;

(d) Each transferee shall agree to maintain the vessel in a condition satisfactory to the Department of the Navy; and

(e) After delivery, the transferor shall make no further expenditures for maintenance of the vessel transferred.

U. S. S. Olympia
and Oregon.
Donation appli-
cation.

Transfer.
Terms and con-
ditions.

Disapproved do-
nations.
Disposal.

Parts' sale, etc.

Repeal.
Contribution re-
turn, etc.

SEC. 5. The Secretary of the Navy is directed to retain title and custody of, and to maintain the United States ships Olympia and Oregon for a period of six months after enactment of this Act, during which period any of the several States, Territories, or possessions of the United States and political subdivisions, or municipal corporations thereof, the District of Columbia, Canal Zone, or corporations or associations whose charter or articles of agreement denies them the right to operate for profit, may apply for donation of either or both of these vessels for restoration as a public memorial or memorials. The Secretary is authorized to transfer such vessel or vessels to the aforementioned applicants under such terms and conditions as he shall prescribe. If within one year from the enactment of this Act any transferee has not taken delivery of the vessel or vessels named in this section for which his application for donation has been approved, the transferor having been willing and ready to make delivery and having offered delivery, then said transferee shall lose all rights and interest in said vessel or vessels and the Secretary of the Navy may dispose of it in the manner he would if the application had not been received. Each transfer agreement shall include a stipulation that the transferee shall maintain the vessel in a condition satisfactory to the Navy Department and that no expense shall result to the United States as a consequence of such transfer or as a consequence of such terms and conditions prescribed by the Secretary of the Navy.

SEC. 6. Upon expiration of the one year period specified in section 5 of this Act, the Secretary of the Navy is authorized to dispose of each of the vessels specified in section 5 hereof, for which an application for donation has not been approved by the Secretary. Any such vessel may be disposed of by sale or by scrapping, in the discretion of the Secretary. Any parts of historical interest may be removed from these ships prior to sale or scrapping and retained by the Department of the Navy, or, in the discretion of the Secretary of the Navy, loaned or donated to such nonprofit historical or educational institutions as he may select.

SEC. 7. The Secretary of the Navy is further authorized, prior to any sale or scrapping of the United States ships Olympia and Oregon, to sell, under such regulations as he may prescribe, such parts or pieces of these vessels as may be suitable for use as relics, souvenirs, or mementos. Any amounts collected as the result of sales authorized by this section shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 8. The Act of March 13, 1948 (62 Stat. 79), is hereby repealed. Amounts received by the Department of the Navy as donations or contributions under that Act shall be returned to the donors except that in any cases where donations or contributions cannot be returned such amounts will be deposited and covered into the Treasury as miscellaneous receipts.

Approved July 23, 1954.

Public Law 524

CHAPTER 566

AN ACT

To provide for the transfer of hay and pasture seeds from the Commodity Credit Corporation to Federal land-administering agencies.

July 26, 1954
[S. 2987]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commodity Credit Corporation is hereby authorized and directed to transfer to the following agencies, free on board transportation conveyance at point of storage, surplus hay and pasture seeds acquired under the price support program, as follows: To the Forest Service, Department of Agriculture, not to exceed four hundred and eighty-five thousand pounds; to the Fish and Wildlife Service, Interior Department, not to exceed one hundred and sixty-three thousand pounds; to the Bureau of Land Management, Interior Department, not to exceed two hundred and fifty-two thousand pounds. The kinds and quantities of seeds transferred within such maximum quantities, subject to determination of availability and surplus supply by the Commodity Credit Corporation, shall be determined by such agencies, but shall not exceed quantities which may be utilized for the purpose specified in section 2 of this Act with funds made available under this Act and funds available for such purpose out of appropriations to such agencies for the fiscal year 1955.

CCC hay and
pasture seeds.
Transfer.

SEC. 2. The seeds transferred pursuant to this Act shall be used by the transferee agencies only for the purpose of seeding grazing lands administered by them. To defray costs of transporting and seeding, there is hereby authorized to be appropriated the following sums: To the Forest Service, not to exceed \$95,000; Fish and Wildlife Service, not to exceed \$25,000; and to the Bureau of Land Management, not to exceed \$25,000.

Use.

Appropriations.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to reimburse the Commodity Credit Corporation for its investment in the seeds transferred pursuant to this Act.

Approved July 26, 1954.

Public Law 525

CHAPTER 567

AN ACT

To authorize the Secretary of Agriculture to convey certain lands in Alaska to the Rotary Club of Ketchikan, Alaska.

July 26, 1954
[H. R. 6263]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed to the Rotary Club of Ketchikan, Alaska, all right, title, and interest of the United States in and to that certain tract of land donated to the United States of America by said Rotary Club of Ketchikan, Alaska, for use for public purposes, by deed dated March 12, 1942, recorded in the land records of district 8, division numbered 1, Territory of Alaska, on March 20, 1942, in volume S of deeds, at page 574, except a strip of land seven feet in width located along the northeasterly boundary of said tract. Such land shall be conveyed on the express condition that if at any time the said lands shall cease to be used for public purposes title thereto shall revert to and become vested in the United States of America.

Rotary Club of
Ketchikan, Alaska.
Conveyance.

Use.

Approved July 26, 1954.

Public Law 526

CHAPTER 568

AN ACT

July 26, 1954
[H. R. 6975]

Authorizing the Secretary of the Interior to convey certain lands to the Siskiyou Joint Union High School District, Siskiyou County, California.

Siskiyou Joint
Union High School
District, Calif.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to convey by quitclaim deed to the Siskiyou Joint Union High School District, California, all right, title, and interest of the United States in and to the following described land in Siskiyou County, California, containing an area of twenty-seven and fifty-eight one-hundredths acres, more or less:

(a) All that northerly portion of lot 4 of section 1, township 47 north, range 4 east, Mount Diablo meridian, beginning at the section corner common to sections 1 and 2, township and range aforesaid; thence north eighty-nine degrees fifty-six minutes east along the northerly boundary of township aforesaid a distance of one thousand three hundred twenty and sixty-six one-hundredths feet to the corner common to lots 3 and 4, township and range aforesaid; thence south no degrees one minute east a distance of five hundred and eighty feet to a point on the easterly boundary of aforesaid lot 4; thence south eighty-nine degrees fifty-six minutes west a distance of one thousand three hundred twenty and sixty-six one-hundredths feet to a point on the westerly boundary of section 1, township and range aforesaid; thence north no degrees one minute west a distance of five hundred and eighty feet to the point of beginning; containing seventeen and fifty-eight one-hundredths acres, more or less.

(b) All of the south half of the south half of the southwest quarter of the southeast quarter of section 35, township 48 north, range 4 east, Mount Diablo meridian; containing ten acres, more or less.

The conveyance hereinbefore authorized shall be subject to existing rights-of-way for highways, roads, railroads, canals, laterals, ditches, pipelines, electrical transmission lines, and telephone and telegraph lines, containing two and twenty-two one-hundredths acres.

Use.

SEC. 2. The land conveyed pursuant to the provisions of this Act shall be used only for public school purposes, and the conveyance herein authorized shall be made upon the express condition that if the land is abandoned for such use for a period of two years or more or if the land shall be used for other purposes, the conveyance shall be held to be forfeited and the title shall revert to the United States. The Secretary of the Interior is hereby authorized to determine the facts and declare such forfeiture and reversion and such determination and declaration shall be final and conclusive.

Approved July 26, 1954.

Public Law 527

CHAPTER 569

AN ACT

July 26, 1954
[H. R. 8713]

To amend section 1 (d) of the Helium Act (50 U. S. C. sec. 161 (d)), and to repeal section 3 (13) of the Act entitled "An Act to amend or repeal certain Government property laws, and for other purposes", approved October 31, 1951 (65 Stat. 701).

Helium.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraph

(d) of section 1 of the Act of March 3, 1925, as amended (43 Stat. 1110; 50 U. S. C. sec. 161 (d)), is hereby revised to read as follows:

“(d) To dispose, by lease or sale, of property, including wells, lands, or interests therein, not valuable for helium production, oil, gas, and byproducts of helium operations not needed for Government use, except that property determined by the Secretary of the Interior to be ‘excess’ within the meaning of section 3 (e) of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. sec. 472 (e)), shall be disposed of in accordance with the provisions of that Act; and to issue leases to the surface of lands or structures thereon for grazing or other purposes when the same may be done without interfering with the production of helium.”

SEC. 2. That paragraph (13) of section 3 of the Act of October 31, 1951 (65 Stat. 701, 708), is hereby repealed.

SEC. 3. This Act shall be effective as of October 31, 1951.

Approved July 26, 1954.

Property disposal.

63 Stat. 378.

Repeal.

Effective date.

Public Law 528

CHAPTER 570

AN ACT

To continue the effectiveness of the Act of July 17, 1953 (67 Stat. 177).

July 26, 1954
[H. R. 9005]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of July 17, 1953 (67 Stat. 177), as amended below, shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950, or until such date as may be specified by a concurrent resolution of the Congress or until July 1, 1955, whichever is the earliest.

SEC. 2. Section 1 of the Act of July 17, 1953 (67 Stat. 177), is amended by deleting the word “and” appearing immediately before the words “the Act of December 17, 1942 (56 Stat. 1053), as amended (50 U. S. C. App. 1201)”, and inserting immediately after such words the following: “or by any other statute.”

Approved July 26, 1954.

Armed Forces.
Construction authority.

59 USC app.
1173.

Public Law 529

CHAPTER 571

AN ACT

To authorize the Secretary of the Army to donate twenty-eight paintings to the Australian War Memorial.

July 26, 1954
[H. R. 9006]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army is authorized to transfer to the Australian War Memorial in Canberra, Australia, without compensation, twenty-eight German war paintings depicting Australian troops which are now the property of the United States in the custody of the Secretary of the Army.

(b) Nothing contained in this Act shall authorize the expenditure of any funds of the United States to defray any cost of transportation or handling incident to such transfer.

Approved July 26, 1954.

Australian War Memorial.
Transfer of paintings.

Public Law 530

CHAPTER 575

July 26, 1954
[H. R. 7601]

AN ACT

To provide for a White House Conference on Education.

White House Conference on Education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That appropriations are hereby authorized, as set forth in sections 2 and 3, to enable the President to hold in the city of Washington, District of Columbia, before November 30, 1955, a conference broadly representative of educators and other interested citizens from all parts of the Nation, to be called the White House Conference on Education, to consider and report to the President on significant and pressing problems in the field of education.

GRANTS FOR STATE CONFERENCES ON EDUCATION

SEC. 2. (a) To assist each State to bring together, prior to the White House Conference on Education, educators and other interested citizens to discuss educational problems in the State and make recommendations for appropriate action to be taken at local, State, and Federal levels, there is hereby authorized to be appropriated the sum of \$1,000,000. Sums appropriated pursuant to this section shall be allotted to the States on the basis of their respective populations according to the latest figures certified by the Department of Commerce, except that no State's allotment shall be less than \$15,000.

Report.

Availability.

(b) The Commissioner of Education shall pay, through the disbursing facilities of the Treasury Department, its allotment to each State which, through its Governor or other State official designated by the Governor, undertakes to accept and use the sums so paid exclusively for the purpose set forth in subsection (a), and to make a report of the findings and recommendations of the State conference for use of the White House Conference on Education. Sums appropriated pursuant to this section shall remain available until December 31, 1955, and any such sums remaining unpaid to the States or unobligated by them as of that date shall be returned to the Treasury.

FEDERAL ADMINISTRATIVE EXPENSES

Commissioner of Education.

Donations.

SEC. 3. There are also authorized to be appropriated to the Commissioner of Education for the fiscal years ending June 30, 1955, and June 30, 1956, such sums as Congress determines to be necessary for the administration of this Act, including the expenses of the Office of Education in making available to the public the findings and recommendations of the conference. The Commissioner of Education is also authorized to accept funds, equipment, and facilities donated for purposes of the conference and to use the same in accordance with such purposes.

DEFINITION OF STATE

SEC. 4. For the purpose of this Act the term "State" includes the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Approved July 26, 1954.

Public Law 531

CHAPTER 576

AN ACT

To authorize cooperative research in education.

July 26, 1954
[H. R. 9040]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to enable the Office of Education more effectively to accomplish the purposes and to perform the duties for which it was originally established, the Commissioner of Education is authorized to enter into contracts or jointly financed cooperative arrangements with universities and colleges and State educational agencies for the conduct of research, surveys, and demonstrations in the field of education.

Educational re-
search.Cooperative ar-
rangements, etc.

(b) No contract or jointly financed cooperative arrangement shall be entered into under this section until the Commissioner of Education has obtained the advice and recommendations of educational research specialists who are competent to evaluate the proposals as to the soundness of their design, the possibilities of securing productive results, the adequacy of resources to conduct the proposed research, surveys, or demonstrations, and their relationship to other similar educational research already completed or in process.

Advice of spe-
cialists.

(c) The Commissioner of Education shall transmit to the Congress annually a report concerning the research, surveys, and demonstrations initiated under this Act, the recommendations made by research specialists pursuant to subsection (b), and any action taken with respect to such recommendations.

Report to Con-
gress.

SEC. 2. There are hereby authorized to be appropriated annually to the Office of Education, Department of Health, Education, and Welfare, such sums as the Congress determines to be necessary to carry out the purposes of this Act.

Appropriation.

Approved July 26, 1954.

Public Law 532

CHAPTER 577

AN ACT

To establish a National Advisory Committee on Education.

July 26, 1954
[H. R. 7434]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to secure for the Secretary of Health, Education, and Welfare (hereinafter referred to in this Act as the "Secretary") the advice of a group of representative citizens on the initiation and conduct of studies of problems of national concern in the field of education and on appropriate action as a result thereof, there is hereby established in the Department of Health, Education, and Welfare a National Advisory Committee on Education (hereinafter referred to as the "Committee").

National Advi-
sory Committee on
Education.

SEC. 2. The Committee shall be composed of nine members appointed without regard to civil-service laws by the Secretary from among individuals who are not otherwise in office under or in the employ of the Federal Government, a majority of whom shall be other than professional educators, one of whom shall be designated by the Secretary as Chairman. Each member shall hold office for a term

Members.

Commissioner of
Education.

Meetings.

Recommendations.

Consultants.

Report to Congress.

Per diem payments.

60 Stat. 808.

of three years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term, and (2) the terms of the members first taking office shall expire as follows: three shall expire with the close of the first calendar year which begins after the enactment of this Act, three shall expire with the close of the second such calendar year, and three shall expire with the close of the third such calendar year, as designated by the Secretary at the time of appointment. The Commissioner of Education shall be, ex officio, a nonvoting member of the Committee.

SEC. 3. The Committee shall meet at the call of the Secretary, but not less often than three times each calendar year.

SEC. 4. The Committee shall, from time to time, recommend to the Secretary the initiation of studies of national concern in the field of education. Consultants may be appointed without regard to civil-service laws to assist in the conduct of such studies. The Committee shall propose to the Secretary appropriate action indicated by such studies and shall also, from time to time, advise the Secretary on the progress being made in carrying out its recommendations. The Secretary shall transmit to the Congress annually a report concerning the studies initiated under this Act, the recommendations made by the Committee, and any action taken with respect to such recommendations.

SEC. 5. Members of the Committee shall receive no compensation for their services, but while traveling to or from or attending meetings of the Committee shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U. S. C. 73b-2) for persons in the Government service employed intermittently.

Approved July 26, 1954.

Public Law 533

CHAPTER 578

July 27, 1954
[H. R. 7466]

AN ACT

To authorize the Secretary of the Interior to execute an amendatory repayment contract with the Pine River Irrigation District, Colorado, and for other purposes.

Pine River Irrigation District,
Colo.
Repayment contract.

43 USC 485f.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reimbursable construction cost of the Pine River reclamation project, Colorado, is hereby fixed at \$1,500,000, and the Secretary of the Interior is authorized to execute, on behalf of the United States, the amendatory repayment contract negotiated pursuant to section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187, 1192) and approved at an election of the district held November 30, 1953, under which contract the unpaid balance of five-sixths of the reimbursable construction cost of the Pine River project (the remaining one-sixth being properly chargeable to the lands of the Pine River Indian (Southern Ute) project as set out in a memorandum of understanding between the Bureau of Reclamation and the Bureau of Indian Affairs dated January 3, 1940) is repayable by the district in thirty fixed annual installments or, if the district elects to use a variable payment formula as set forth in said contract, in as many installments as may be required to return the portion of the aforesaid balance then remaining unpaid.

Approved July 27, 1954.

Public Law 534

CHAPTER 579

AN ACT

To authorize certain construction at military and naval installations and for the Alaska Communications System, and for other purposes.

July 27, 1954
[H. R. 9242]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Military, naval,
and Alaska Com-
munications Sys-
tem installations.
Construction,
etc.

TITLE I

SEC. 101. The Secretary of the Army is authorized to establish or develop military installations and facilities by the construction, conversion, rehabilitation, or installation of permanent or temporary public works in respect of the following projects, which include site preparation, appurtenances, and related utilities and equipment: *Provided*, That the Secretary of the Army, in exercising the authority granted herein, shall, whenever practicable and in the best interests of the United States, provide for the rehabilitation of existing barracks and officer quarters in lieu of new construction:

Army.

CONTINENTAL UNITED STATES

TECHNICAL SERVICES FACILITIES

(Ordnance Corps)

Aberdeen Proving Ground, Maryland: Troop housing, research and development facilities, and training facilities, \$1,579,000.

Atchison storage facility, Atchison, Kansas: Development of underground storage facilities, including the acquisition of land, \$1,155,000.

Benicia Arsenal, California: Utilities, \$352,000.

Black Hills Ordnance Depot, South Dakota: Post engineer facilities, ammunition maintenance facilities, utilities, \$811,000.

Frankford Arsenal, Pennsylvania: Utilities, \$1,626,000.

Jet propulsion laboratory (California Institute of Technology), California: Utilities, \$247,000.

Letterkenny Ordnance Depot, Pennsylvania: Land acquisition and utilities, \$2,190,000.

Lima Ordnance Depot, Ohio: Operational facilities, \$33,000.

Navajo Ordnance Depot, Arizona: Utilities, \$185,000.

Redstone Arsenal, Alabama: Troop housing and research and development facilities, \$580,000.

Savanna Ordnance Depot, Illinois: Utilities, \$360,000.

(Quartermaster Corps)

Fort Lee, Virginia: Troop housing, \$983,000.

New Cumberland General Depot (United States disciplinary barracks), Pennsylvania: Troop housing, \$492,000.

Richmond Quartermaster Depot, Virginia: Land acquisition and utilities, \$97,000.

(Chemical Corps)

Army chemical center, Maryland: Research and development facilities, \$632,000.

(Signal Corps)

Department of the Army transmitting station, vicinity of Woodbridge, Virginia: Troop housing and operational and closed storage facilities, \$2,360,000.

Lexington Signal Depot, Kentucky: Troop housing, \$492,000.
Fort Monmouth, New Jersey: Troop housing, \$330,000.
Sacramento Signal Depot, California: Troop housing, \$492,000.

(Corps of Engineers)

Fort Belvoir, Virginia: Troop housing, utilities, operational and maintenance facilities, and liquid storage facilities, \$2,787,000.

(Transportation Corps)

Brooklyn Army Base, New York: Utilities, \$1,264,000.
Charleston Transportation Depot, South Carolina: Operational and waterfront facilities, \$370,000.
Fort Eustis, Virginia: Troop housing, \$3,400,000.
Oakland Army Base, California: Troop housing, \$785,000.
Point Aux Pins Area Ammunition Terminal, Alabama-Mississippi: Ammunition loading terminal, including acquisition of land, \$26,951,000.

(Medical Corps)

Beaumont Army Hospital, Texas: Troop housing, \$391,000.
Brooke Army Medical Center, Texas: Troop housing, \$1,129,000.

FIELD FORCES FACILITIES

(First Army Area)

Fort Devens, Massachusetts: Troop housing, \$1,314,000.
Fort Dix, New Jersey: Troop housing, \$330,000.
Fort Hamilton, New York: Utilities, \$450,000.
Fort Jay, New York: Utilities, \$1,488,000.

(Second Army Area)

Fort Knox, Kentucky: Troop housing, \$1,014,000.

(Third Army Area)

Fort Benning, Georgia: Troop housing, \$4,264,000.
Fort Bragg, North Carolina: Troop housing, operational and maintenance facilities, and liquid and covered storage facilities, \$3,470,000.
Fort Campbell, Kentucky: Troop housing and open storage facilities, \$3,623,000.

(Fourth Army Area)

Fort Bliss, Texas: Troop housing, \$10,994,000.
Fort Hood, Texas: Troop housing and supporting facilities, operational and maintenance facilities, utilities, and closed and open storage facilities, \$10,182,000.
Fort Sill, Oklahoma: Troop housing, and operational and open storage facilities, \$2,216,000.

(Fifth Army Area)

Camp Carson, Colorado: Troop housing and supporting facilities, \$3,582,000.
Fort Riley, Kansas: Troop housing and utilities, \$3,871,000.

(Sixth Army Area)

Fort Lewis, Washington: Troop housing and utilities, \$6,268,000.

Presidio of Monterey, California: Troop housing, \$330,000.

Fort Ord, California: Troop housing and maintenance facilities, \$774,000.

Camp Cooke (United States disciplinary barracks), California: Troop housing, \$923,000.

(Military Academy)

United States Military Academy, New York: Troop housing and training facilities, \$9,950,000.

(Armed Forces Special Weapons Project)

Various installations: Community facilities, maintenance facilities, liquid storage facilities, and utilities, \$2,080,000.

OUTSIDE CONTINENTAL UNITED STATES

(Alaskan Area)

Eielson Air Force Base, Alaska: Tactical facilities, \$800,000.

Kenai, Alaska: Family housing and operational facilities, \$1,674,000.

Ladd Air Force Base, Alaska: Troop housing and tactical facilities, \$2,821,000.

Fort Richardson, Alaska: Tactical facilities, \$1,800,000.

Whittier, Alaska: Utilities and maintenance facilities, \$541,000.

(Far East Command Area)

Okinawa: Community, troop supporting and medical facilities, troop housing, family housing (including one set of family quarters with a net floor area of not to exceed twenty-one hundred square feet), operational, maintenance and administrative facilities, and utilities, \$5,917,000.

(Pacific Command Area)

Waiawa Radio Transmission Station, Hawaii: Troop housing and utilities, \$221,000.

(Icelandic Command Area)

Keflavik (and vicinity), Iceland: Family housing, troop housing and supporting facilities, operational and maintenance facilities, and ammunition and closed storage facilities, \$5,490,000.

SEC. 102. The Secretary of the Army is authorized to establish or develop classified military installations and facilities by the acquisition of land and the construction, conversion, rehabilitation or installation of permanent or temporary public works, including site preparation, appurtenances, utilities and equipment, in the total amount of \$87,700,000.

Classified installations and facilities.

SEC. 103. The Secretary of the Army is authorized to lease, without regard to the provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U. S. C. 303b), or title VI of the Act of September 28, 1951 (65 Stat. 365; 40 U. S. C. 551-554), to the Commonwealth of Massachusetts, subject to the provisions of this Act and upon such terms and conditions as he shall determine are in the public interest, with the right to said Commonwealth to sublease, the pier comprising a part of the Boston Army Base in the port of Boston, and such other property at or portions of said base as the Secretary may determine.

Boston Army Base pier, Mass.

The lease shall be for a term of twenty-five years, with successive options to said Commonwealth to extend the term by one or more extensions, none of which shall be for less than five years, the aggregate of such extensions not to exceed fifty years, unless terminated or extended as provided in subsection (c) and (d) of this section. The agreement of the Commonwealth of Massachusetts to protect, repair, and maintain the premises leased on terms to be negotiated, and to pay an annual rental of \$1 per year, together with payment of an amount to be determined as provided in subsection (b) of this section, shall constitute the consideration for any such lease.

Repair, etc.

(b) In order to carry out the purpose of this section, the Secretary of the Army shall provide for the repair and rehabilitation of such pier and other facilities to be leased hereunder, at an overall cost of not to exceed \$11,000,000, but not less than 10 per centum of the estimated overall cost of such repair and rehabilitation, as such cost is determined by the Secretary of the Army, shall be paid by the Commonwealth of Massachusetts as a condition to the execution and delivery of such lease. The money so received from the Commonwealth of Massachusetts shall be used exclusively for the purpose of such repair and rehabilitation.

National emergency, etc.

(c) Any lease entered into under this section shall provide (1) that during any national emergency declared by the President, or in the event the Congress shall declare a state of war to exist, and the Secretary of the Army shall determine that the leased property is useful or necessary for military purposes, the United States shall have the right to reenter such property and use the same for such period of time as shall be determined by the Secretary of the Army to be necessary in the interests of national security; (2) that upon any such reentry, and at the option of the Commonwealth of Massachusetts, the lease shall be terminated, or the term thereof extended for such period of time as the United States may be in possession following any such reentry; and (3) that in the event the lease is terminated, the Commonwealth of Massachusetts shall be appropriately compensated for the cost of repairing and rehabilitating the leased property, as provided in subsection (b) of this section, and for the cost of capital items provided by it.

Breach of lease.

(d) Any such lease shall also provide for termination by the Secretary of the Army in the event of a breach of the terms or conditions of the lease.

Utilities or services.

(e) In the event that a lease is entered into under this section, the Department of the Army, or any other department or agency of the United States, which, prior to the entering into such lease, was furnishing necessary utilities or services to the leased property, may, upon the request of the lessee, continue to provide such utilities or services. Any such utilities or services so furnished shall be paid for by the lessee at a rate to be determined by the supplying agency. Such rate shall be fixed with a view to obtaining full reimbursement for the cost to any such agency of supplying any such utilities or services to the lessee. Any sums so received shall be covered into the Treasury to the credit of the appropriation or appropriations from which the cost of furnishing such utilities or services was paid.

Gleason Works,
N. Y.
Land exchange.

SEC. 104. The Secretary of the Army is authorized, upon such terms and conditions as he may determine to be in the public interest, to convey to the Gleason Works, a New York corporation, the lands and buildings comprising the Rochester Ground Forces Equipment Depot Numbered 1, located at 1044 University Avenue, Rochester, New York, in exchange for land in the Rochester, New York, area, together with a suitable building and other improvements thereon to be constructed by the said Gleason Works in accordance with plans and

specifications approved by the Secretary of the Army for use as a new depot facility, and a sum of money representing, in the opinion of the Secretary of the Army, (1) the amount by which the fair market value of the property so conveyed by the Secretary of the Army exceeds the fair market value of the land with the building and improvements thereon accepted in exchange therefor, and (2) the cost of moving the depot activity to the new depot facility. The money to be received by the Secretary of the Army in connection with such exchange shall be covered into the Treasury as a miscellaneous receipt, except that such amount thereof as represents the cost of moving the depot activity to the new depot facility shall be credited to the appropriation to which such cost is charged.

TITLE II

SEC. 201. The Secretary of the Navy is authorized to establish or develop naval installations and facilities by the construction, conversion, rehabilitation or installation of permanent or temporary public works in respect to the following projects, which include site preparation, appurtenances, and related utilities and equipment:

Navy.

CONTINENTAL UNITED STATES

SHIPYARD FACILITIES

Naval shipyard, Boston, Massachusetts: Replacement of pier, \$3,400,000.

Naval shipyard, Charleston, South Carolina: Compressed air facilities, \$555,000.

Naval shipyard, Mare Island, Vallejo, California: Acquisition of railroad facilities, including land, \$225,000.

Naval shipyard, Philadelphia, Pennsylvania: Crane tracks for drydock, \$3,415,000.

Naval Mine Countermeasures Station, Panama City, Florida: Waterfront and technical facilities, \$1,254,000.

Naval shipyard, San Francisco, California: Crane tracks for drydock, and pipefitters shop, \$2,091,000.

FLEET FACILITIES

Morehead City, North Carolina: LST loading ramps, including land acquisition, \$710,000.

Naval submarine base, New London, Connecticut: Ordnance facilities, \$476,000.

Naval minecraft base, Charleston, South Carolina: Land acquisition, \$158,000.

AVIATION FACILITIES

Naval air station, Alameda, California: Aircraft maintenance and overhaul facilities, \$4,463,000.

Alice-Orange Grove area, Texas: Operational facilities, \$151,000.

Naval air station, Atlantic City, New Jersey: Operational facilities and navigational aids, \$779,000.

Marine Corps auxiliary air station, Beaufort, South Carolina: Aircraft maintenance facilities, airfield pavements, administrative and community facilities, open and covered storage and fuel storage facilities, utilities, security facilities, maintenance facilities, personnel facilities, and land acquisition, \$11,096,000.

Naval air station, Brunswick, Maine: Operational facilities, navigational aids, and utilities, \$632,000.

Naval air station, Cecil Field, Florida: Operational facilities, covered storage facilities, ammunition storage and ordnance facilities, navigational aids, and utilities, \$1,384,000.

Naval auxiliary air station, Chase Field, Texas: Aircraft maintenance facilities, \$241,000.

Marine Corps air station, Cherry Point, North Carolina: Airfield pavements, fuel dispensing facilities, communication facilities, navigational aids, utilities, and land acquisition, \$1,609,000.

Naval air station, Corpus Christi, Texas: Fuel dispensing facilities and navigational aids, \$342,000.

Naval auxiliary air station, Corry Field, Florida: Airfield pavements and airfield lighting facilities, \$2,153,000.

Naval auxiliary landing field, Crows Landing, California: Crash facilities, \$89,000.

Naval auxiliary air station, El Centro, California: Ammunition storage facilities, \$225,000.

Marine Corps air station, El Toro, California: Fuel dispensing facilities, navigational aids, communication facilities, and utilities, \$1,675,000.

Naval auxiliary air station, Fallon, Nevada: Operational facilities, personnel facilities, and medical facilities, \$569,000.

Naval air station, Glenview, Illinois: Land acquisition, \$70,000.

Naval auxiliary air station, Glynco, Georgia: Fuel storage facilities, communication facilities, utilities, training equipment, and land acquisition, \$6,531,000.

Naval auxiliary air station, Kingsville, Texas: Navigational aids, fuel storage facilities, and utilities, \$666,000.

Naval air facility, Litchfield Park, Arizona: Operational facilities, airfield pavements, aircraft maintenance facilities, communication facilities, and land acquisition, \$1,654,000.

Naval auxiliary air facility, Mayport, Florida: Land acquisition, \$75,000.

Naval air station, Miramar, California: Navigational aids, aircraft maintenance facilities, and utilities, \$4,001,000.

Naval air station, Moffett Field, California: Navigational aids, fuel dispensing facilities, training facilities, and land acquisition, \$1,336,000.

Marine Corps auxiliary air station, Mojave, California: Land acquisition, \$160,000.

Marine Corps air facility, New River, North Carolina: Personnel facilities, maintenance facilities, and utilities, \$972,000.

Naval air station, Norfolk, Virginia: Training facilities, \$628,000.

Naval air station, Oceana, Virginia: Personnel facilities, community facilities, covered storage facilities, security facilities, navigational aids, utilities, and aircraft maintenance facilities, \$4,696,000.

Naval air station, Pensacola, Florida: Navigational aids and construction of outlying field, including avigation easements and land acquisition, \$1,533,000.

Naval air missile test center (San Nicolas Island), Point Mugu, California: Testing facilities, administrative facilities, maintenance facilities, security facilities, and utilities, \$1,132,000.

Naval air station, Quonset Point, Rhode Island: Navigational aids, \$579,000.

Naval air station, San Diego, California: Operational facilities and aircraft maintenance facilities, \$1,157,000.

Padre Island, Texas: Operational facilities, \$80,000.

Naval air turbine test station, Trenton, New Jersey: Research and development facilities, \$5,209,000.

Naval air station, Whidbey Island, Washington: Aircraft maintenance facilities, \$1,157,000.

nance facilities, airfield pavements, communication facilities, navigational aids, and utilities, \$4,197,000.

SUPPLY FACILITIES

Naval supply center (Cheatham Annex), Norfolk, Virginia: Cold storage facilities, \$653,000.

Naval supply center, Oakland, California: Fire protection facilities, \$3,051,000.

MARINE CORPS FACILITIES

Marine Corps depot of supplies, Albany, Georgia: Security facilities and maintenance facilities, \$892,000.

Marine Base, Camp Lejeune, North Carolina: Training facilities, maintenance facilities and personnel facilities, \$749,000.

Marine Corps recruit depot, Parris Island, South Carolina: Utilities, cold storage facilities, and training facilities, \$1,025,000.

Marine Corps schools, Quantico, Virginia: Personnel facilities and community facilities, \$585,000.

Marine Corps recruit depot, San Diego, California: Training facilities, \$82,000.

ORDNANCE FACILITIES

Naval ammunition depot, Charleston, South Carolina: Barricaded sidings, \$671,000.

Naval proving grounds, Dahlgren, Virginia: Testing facilities, \$212,000.

Naval ammunition depot, Earle, New Jersey: Land acquisition, \$73,000.

Naval ammunition depot, Hawthorne, Nevada: Ordnance facilities, \$308,000.

Naval ordnance plant, Indianapolis, Indiana: Research and development facilities, \$1,183,000.

Naval powder factory, Indian Head, Maryland: Utilities, \$345,000.

Naval mine depot, Melville, Rhode Island: Ammunition storage facilities, \$380,000.

Naval magazine, Port Chicago, California: Transfer depot facilities and land acquisition, \$519,000.

Naval ordnance laboratory, White Oak, Maryland: Research and development facilities, \$361,000.

Naval mine depot, Yorktown, Virginia: Barricaded sidings, \$480,000.

SERVICE SCHOOL FACILITIES

Naval Academy, Annapolis, Maryland: Training facilities, \$5,680,000.

Naval amphibious base, Coronado, California: Personnel facilities, \$1,444,000.

Naval training center, Great Lakes, Illinois: Personnel facilities, \$1,664,000.

Naval post graduate school, Monterey, California: Personnel facilities, \$332,000.

Fleet air defense training center, Point Loma, California: Training facilities, \$340,000.

MEDICAL FACILITIES

Naval hospital, Saint Albans, Long Island, New York: Utilities, \$245,000.

Naval hospital, San Diego, California: Personnel facilities, \$756,000.

OFFICE OF NAVAL RESEARCH FACILITIES

Naval research laboratory, Washington, District of Columbia: Research facilities, \$996,000: *Provided, however,* That any fissionable material to be used in such facilities shall be obtained from the Atomic Energy Commission in the same manner and on the same terms and conditions as the Atomic Energy Commission makes fissionable material available for use in research reactors in non-Governmental facilities.

YARDS AND DOCKS FACILITIES

Naval construction battalion center, Port Hueneme, California: Waterfront facilities and covered storage facilities, \$3,384,000.

San Bruno, California: Land acquisition, \$750,000.

Marine Corps training center, Twenty-nine Palms, California: Land acquisition, \$14,000.

Various locations: For restoration or replacement of facilities damaged or destroyed and provision for other urgent construction requirements, \$2,500,000.

OUTSIDE CONTINENTAL UNITED STATES

FLEET FACILITIES

Naval station, Subic Bay, Philippine Islands: Waterfront facilities, site preparation for family housing, and utilities, \$9,976,000.

AVIATION FACILITIES

Naval air facility, Cubi Point, Philippine Islands: Air freight terminal facilities, personnel facilities, family housing, community facilities, waterfront protection facilities, covered and ammunition storage facilities, medical facilities, security facilities, and utilities, \$6,085,000.

Naval air station, Guantanamo Bay, Cuba: Medical facilities, \$230,000.

Naval air station, Iwakuni, Japan: Airfield pavements, ammunition and fuel storage facilities, and aircraft maintenance facilities, \$2,246,000.

Naval air station, Kodiak, Alaska: Community facilities, \$719,000.

Naval station, Kwajalein, Marshall Islands: Aircraft maintenance facilities, \$990,000.

SUPPLY FACILITIES

Naval station, Subic Bay, Philippine Islands: Fuel storage facilities, \$5,956,000.

COMMUNICATION FACILITIES

Naval communication station, Philippine Islands: Communication facilities, personnel facilities, covered storage facilities, maintenance facilities, administrative facilities, community facilities, medical facilities, site preparation for family housing, land acquisition, waterfront facilities, and utilities, \$8,791,000.

YARDS AND DOCKS FACILITIES

Various locations: For restoration or replacement of facilities damaged or destroyed and provision for other urgent construction requirements, \$1,500,000.

SEC. 202. The Secretary of the Navy is authorized to establish or develop classified naval installations and facilities by the construction, conversion, rehabilitation, or installation of permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, in the total amount of \$63,358,000.

SEC. 203. Public Law 209, Eighty-third Congress, is hereby amended as follows:

Strike so much thereof under the heading "Continental United States" and subheading "Aviation Facilities" in section 201 as reads as follows:

67 Stat. 442.

"Alice, Texas: Land acquisition and airfield pavements, \$2,148,000." and insert in lieu thereof the following:

"Alice-Orange Grove area, Texas: Land acquisition, including navigation easements, and airfield pavements, \$1,845,000."

TITLE III

SEC. 301. The Secretary of the Air Force is authorized to establish or develop military installations and facilities by the construction, conversion, rehabilitation, or installation of permanent or temporary public works in respect of the following projects, which include site preparation, appurtenances, and related utilities and equipment (the references hereinafter to Public Laws 60, 420, 564, 838, 910, 155, 534, and 209 mean, respectively, Public Law 60, Eighty-first Congress, Public Law 420, Eighty-first Congress, Public Law 564, Eighty-first Congress, Public Law 838, Eighty-first Congress, Public Law 910, Eighty-first Congress, Public Law 155, Eighty-second Congress, Public Law 534, Eighty-second Congress, and Public Law 209, Eighty-third Congress, as amended), and the authorizations for military public works contained in this title supersede, to the extent they are represented by dollar amounts specified as being included in such prior Acts, equivalent amounts of the authorizations for military public works in such prior Acts, but do not otherwise affect any authorizations for military public works in prior Acts:

Air Force.

63 Stat. 66; 943;
64 Stat. 236, 1035,
1221; 65 Stat. 336;
66 Stat. 606; 67
Stat. 440.

CONTINENTAL UNITED STATES

STRATEGIC AIR COMMAND

Abilene Air Force Base, Abilene, Texas: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, medical facilities, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$17,435,000, of which amount \$2,760,000 is included in the authorizations in Public Laws 534 and 209, and \$14,675,000 is herewith authorized.

Supra.

Altus Air Force Base, Altus, Oklahoma: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$16,098,000, of which amount \$323,000 is included in

Ante, p. 543.

the authorization in Public Law 155, and \$15,775,000 is herewith authorized.

Ante, p. 543.

Barksdale Air Force Base, Shreveport, Louisiana: Airfield pavements, communications, navigational aids and airfield lighting facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, and shop facilities, \$3,905,000, which amount is included in the authorizations in Public Laws 564, 910, 155, 534 and 209.

Ante, p. 543.

Bergstrom Air Force Base, Austin, Texas: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, and shop facilities, \$1,608,000, which amount is included in the authorizations in Public Laws 910, 155 and 209.

Ante, p. 543.

Biggs Air Force Base, El Paso, Texas: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, aircraft maintenance facilities, training facilities, utilities, and land acquisition, a total of \$2,254,000, of which amount \$1,110,000 is included in the authorizations in Public Laws 564, 910, 155 and 534, and \$1,144,000 is herewith authorized.

Ante, p. 543.

Campbell Air Force Base, Hopkinsville, Kentucky: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, utilities, land acquisition, and administrative and community facilities, a total of \$1,451,000, of which amount \$691,000 is included in the authorizations in Public Laws 564 and 155, and \$760,000 is herewith authorized.

Ante, p. 543.

Carswell Air Force Base, Fort Worth, Texas: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, storage facilities and shop facilities, \$2,248,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Castle Air Force Base, Merced, California: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$9,581,000, of which amount \$2,050,000 is included in the authorizations in Public Laws 564, 910, 155, 534, and 209, and \$7,531,000 is herewith authorized.

Ante, p. 543.

Clinton-Sherman Airport, Clinton, Oklahoma: Airfield pavement, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, troop housing and messing facilities, utilities, land acquisition, medical facilities, and storage facilities, a total of \$11,393,000, of which amount \$9,930,000 is included in the authorization in Public Law 534, and \$1,463,000 is herewith authorized.

Columbus Air Force Base, Columbus, Mississippi: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, utilities, land acquisition, storage facilities, personnel facilities, and shop facilities, \$3,663,000.

Ante, p. 543.

Davis-Monthan Air Force Base, Tucson, Arizona: Airfield pavements, operational facilities, aircraft maintenance facilities, utilities, and shop facilities, \$3,034,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Dow Air Force Base, Bangor, Maine: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft

maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, and administrative and community facilities, a total of \$16,782,000, of which amount \$3,782,000 is included in the authorizations in Public Laws 534 and 209, and \$13,000,000 is herewith authorized.

Ante, p. 543.

Ellsworth Air Force Base, Rapid City, South Dakota: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, storage facilities, and shop facilities, a total of \$7,174,000, of which amount \$4,364,000 is included in the authorizations in Public Laws 564, 910, 155, 534, and 209, and \$2,810,000 is herewith authorized.

Ante, p. 543.

Fairchild Air Force Base, Spokane, Washington: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, \$6,796,000, which amount is included in the authorizations in Public Laws 564, 910, 155, and 534.

Ante, p. 543.

Forbes Air Force Base, Topeka, Kansas: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, utilities, land acquisition, storage facilities, and shop facilities, a total of \$10,029,000, of which amount \$2,176,000 is included in the authorizations in Public Laws 155, 534, and 209, and \$7,853,000 is herewith authorized.

Ante, p. 543.

Gray Air Force Base, Killeen, Texas: Airfield pavements, communications, navigational aids and airfield lighting facilities, utilities, land acquisition, storage facilities, and shop facilities, \$465,000, which amount is included in the authorizations in Public Laws 564, 910, and 155.

Ante, p. 543.

Great Falls Air Force Base, Great Falls, Montana: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, personnel facilities, and administrative and community facilities, a total of \$6,600,000, of which amount \$1,783,000 is included in the authorizations in Public Laws 564, 910, 155, 534, and 209, and \$4,817,000 is herewith authorized.

Ante, p. 543.

Homestead Air Force Base, Homestead, Florida: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, medical facilities, storage facilities, personnel facilities, administrative and community facilities, shop facilities, and harbor facilities, a total of \$13,271,000, of which amount \$10,768,000 is included in the authorizations in Public Laws 534 and 209 and \$2,503,000 is herewith authorized.

Ante, p. 543.

Hunter Air Force Base, Savannah, Georgia: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, personnel facilities, administrative and community facilities, and shop facilities, \$8,946,000, which amount is included in the authorizations in Public Laws 564, 910, 155, and 534.

Ante, p. 543.

Lake Charles Air Force Base, Lake Charles, Louisiana: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, troop housing and messing facilities, utilities, land acquisition, personnel facilities, administrative and community facilities, and shop facilities, a total of \$9,277,000, of which amount \$6,141,000

is included in the authorizations in Public Laws 910, 155, 534, and 209, and \$3,136,000 is herewith authorized.

Ante, p. 543.

Limestone Air Force Base, Limestone, Maine: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, aircraft maintenance facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$15,722,000, of which amount \$12,359,000 is included in the authorizations in Public Laws 564, 910, 155, 534, and 209, and \$3,363,000 is herewith authorized.

Ante, p. 543.

Lincoln Air Force Base, Lincoln, Nebraska: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, medical facilities, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$4,664,000, of which amount \$3,536,000 is included in the authorizations in Public Laws 155, 534, and 209, and \$1,128,000 is herewith authorized.

Ante, p. 543.

Little Rock Air Force Base, Little Rock, Arkansas: Airfield pavements, liquid fuel storage and dispensing facilities, communications, and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, medical facilities, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$12,085,000, of which amount \$227,000 is included in the authorizations in Public Laws 534 and 209, and \$11,858,000 is herewith authorized.

Ante, p. 543.

Lockbourne Air Force Base, Columbus, Ohio: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, and shop facilities, a total of \$10,687,000, of which amount \$1,696,000 is included in the authorizations in Public Laws 910, 155, and 534, and \$8,991,000 is herewith authorized.

Ante, p. 543.

MacDill Air Force Base, Tampa, Florida: Airfield pavements, communications and navigational aids, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, and shop facilities, \$2,214,000, which amount is included in the authorizations in Public Laws 564, 910, 155, and 534.

Ante, p. 543.

March Air Force Base, Riverside, California: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, utilities, land acquisition, personnel facilities, administrative and community facilities, and shop facilities, a total of \$8,772,000, of which amount \$2,432,000 is included in the authorizations in Public Laws 910, 155, 534, and 209, and \$6,340,000 is herewith authorized.

Ante, p. 543.

Matagorda Island Air Force Range, Texas: Airfield pavements, communications and navigational aids, and utilities, \$607,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Airfield pavements, communications and navigational aids, training facilities, utilities, land acquisition, administrative and community facilities, and shop facilities, \$595,000, which amount is included in the authorizations in Public Laws 155, 534, and 209.

Ante, p. 543.

Offutt Air Force Base, Omaha, Nebraska: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, and administrative and community facilities, \$1,628,000.

Pinecastle Air Force Base, Orlando, Florida: Airfield pavements, liquid fuel storage and dispensing facilities, communications and

navigational aids, operational facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, \$4,627,000, which amount is included in the authorizations in Public Laws 155, 534, and 209.

Ante, p. 543.

Plattsburg Barracks, Plattsburg, New York: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, medical facilities, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$19,408,000, of which amount \$690,000 is included in the authorizations in Public Laws 534 and 209, and \$18,718,000 is herewith authorized.

Ante, p. 543.

Portsmouth Air Force Base, Portsmouth, New Hampshire: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, \$13,785,000.

Sedalia Air Force Base, Knobnoster, Missouri: Airfield pavements, communications and navigational aids, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, medical facilities, personnel facilities, and shop facilities, a total of \$2,743,000, of which amount \$274,000 is included in the authorizations in Public Laws 155 and 209, and \$2,469,000 is herewith authorized.

Ante, p. 543.

Smoky Hill Air Force Base, Salina, Kansas: Airfield pavements, communications, navigational aids and airfield lighting facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, personnel facilities, administrative and community facilities, and shop facilities, a total of \$7,612,000, of which amount \$7,308,000 is included in the authorizations in Public Laws 155, 534, and 209, and \$304,000 is herewith authorized.

Ante, p. 543.

Stead Air Force Base, Reno, Nevada: Communications and navigational aids, utilities, personnel facilities, and administrative and community facilities, a total of \$750,000, of which amount \$657,000 is included in the authorizations in Public Laws 155 and 534, and \$93,000 is herewith authorized.

Ante, p. 543.

Travis Air Force Base, Fairfield, California: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, utilities, land acquisition, storage facilities, administrative and community facilities, and shop facilities, a total of \$7,822,000, of which amount \$3,081,000 is included in the authorizations in Public Laws 564, 910, 155, and 209, and \$4,741,000 is herewith authorized.

Ante, p. 543.

Turner Air Force Base, Albany, Georgia: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, utilities, land acquisition, and shop facilities, a total of \$5,661,000, of which amount \$4,778,000 is included in the authorizations in Public Laws 910, 155, and 209, and \$883,000 is herewith authorized.

Ante, p. 543.

Walker Air Force Base, Roswell, New Mexico: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, utilities, land acquisition, storage facilities, and shop facilities, a total of \$4,087,000, of which amount \$3,333,000 is included in the authorizations in Public Laws 564, 910, 155, 534, and 209, and \$754,000 is herewith authorized.

Ante, p. 543.

Westover Air Force Base, Chicopee Falls, Massachusetts: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, utilities, land acquisition, storage facilities, and shop facilities, \$1,146,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

AIR DEFENSE COMMAND

Atlantic City Consolan Station, Atlantic City, New Jersey: Communications and navigational aids, \$72,000.

Bismarck-Minot area, North Dakota: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, family housing, utilities, land acquisition, medical facilities, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, \$6,494,000.

Burlington Municipal Airport, Burlington, Vermont: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, aircraft maintenance facilities, and land acquisition, a total of \$1,018,000, of which amount \$608,000 is included in the authorizations in Public Laws 910, 155, 534, and 209, and \$410,000 is herewith authorized.

Ante, p. 543.

Duluth Municipal Airport, Duluth, Minnesota: Airfield pavements, communications and navigational aids, aircraft maintenance facilities, utilities, land acquisition, medical facilities, and personnel facilities, a total of \$2,173,000, of which amount \$787,000 is included in the authorizations in Public Laws 910, 155, 534, and 209, and \$1,386,000 is herewith authorized.

Ante, p. 543.

Ent Air Force Base, Colorado Springs, Colorado: Communications and navigational aids, troop housing and messing facilities, land acquisition, and personnel facilities, a total of \$324,000, of which amount \$256,000 is included in the authorization in Public Law 155, and \$68,000 is herewith authorized.

Ante, p. 543.

Fargo area, North Dakota: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, medical facilities, and storage facilities, \$7,055,000.

Geiger Field, Spokane, Washington: Communications and navigational aids, troop housing and messing facilities, and storage facilities, \$296,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Glasgow-Miles City area, Montana: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, medical facilities, and storage facilities, \$8,391,000.

Grandview Air Force Base, Kansas City, Missouri: Airfield pavements, communications and navigational aids, operational facilities, utilities, land acquisition, storage facilities, and personnel facilities, \$1,583,000, which amount is included in the authorizations in Public Laws 155 and 209.

Ante, p. 543.

Greater Pittsburgh Airport, Coraopolis, Pennsylvania: Liquid fuel storage and dispensing facilities, communications and navigational aids, utilities, land acquisition, medical facilities, and personnel facilities, \$245,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Hamilton Air Force Base, San Rafael, California: Airfield pavements, communications and navigational aids, utilities, land acquisition,

tion, and shop facilities, \$1,042,000, which amount is included in the authorizations in Public Laws 564, 910, 155, 534, and 209.

Ante, p. 543.

Kinross Air Force Base, Sault Sainte Marie, Michigan: Communications and navigational aids, aircraft maintenance facilities, utilities, land acquisition, storage facilities, and personnel facilities, \$1,013,000, which amount is included in the authorizations in Public Laws 155, 534, and 209.

Ante, p. 543.

Klamath Falls Airport, Klamath Falls, Oregon: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, medical facilities, storage facilities, personnel facilities, and administrative and community facilities, \$4,133,000.

K. I. Sawyer Airport, Marquette, Michigan: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, medical facilities, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, \$8,556,000.

McChord Air Force Base, Tacoma, Washington: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, and shop facilities, \$1,605,000, which amount is included in the authorizations in Public Laws 564, 910, 155, 534, and 209.

Ante, p. 543.

McGhee-Tyson Airport, Knoxville, Tennessee: Communications and navigational aids, utilities, land acquisition, and personnel facilities, \$195,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Minneapolis-Saint Paul Airport, Minneapolis, Minnesota: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, utilities, and land acquisition, a total of \$2,156,000, of which amount \$672,000 is included in the authorizations in Public Laws 910, 155, 534, and 209, and \$1,484,000 is herewith authorized.

Ante, p. 543.

Nantucket Consolan Station, Nantucket, Massachusetts: Communications and navigational aids, \$107,000.

New Castle County Airport, Wilmington, Delaware: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, land acquisition, and storage facilities, \$677,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Niagara Falls Municipal Airport, Niagara Falls, New York: Communications, navigational aids and airfield lighting facilities, utilities, land acquisition, medical facilities, and shop facilities, \$265,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

O'Hare International Airport, Chicago, Illinois: Liquid fuel storage and dispensing facilities, communications and navigational aids, utilities, land acquisition, and storage facilities, \$228,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Otis Air Force Base, Falmouth, Massachusetts: Airfield pavements, liquid fuel storage and dispensing facilities, operational facilities, aircraft maintenance facilities, training facilities, utilities, and storage facilities, \$2,413,000, which amount is included in the authorizations in Public Laws 564, 910, 155, 534, and 209.

Ante, p. 543.

Oxnard Air Force Base, Oxnard, California: Communications and navigational aids, training facilities, troop housing and messing facilities, land acquisition, storage facilities, and personnel facilities, \$497,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Paine Air Force Base, Everett, Washington: Airfield pavements, communications and navigational aids, land acquisition, storage facilities, and personnel facilities, \$1,214,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Pescadero Consolan Station, Pescadero, California: Communications and navigational aids, \$107,000.

Point Conception Consolan Station, Point Conception, California: Communications and navigational aids, \$72,000.

Portland International Airport, Portland, Oregon: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, and storage facilities, a total of \$2,222,000, of which amount \$500,000 is included in the authorizations in Public Laws 155, 534, and 209, and \$1,722,000 is herewith authorized.

Ante, p. 543.

Presque Isle Air Force Base, Presque Isle, Maine: Communications and navigational aids, operational facilities, and land acquisition, \$155,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Southern California area: Expansion of airfield and base facilities, including the acquisition of land, \$4,000,000.

Selfridge Air Force Base, Mount Clemens, Michigan: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, utilities, land acquisition, and storage facilities, \$718,000, which amount is included in the authorizations in Public Laws 564, 910, 155, 534, and 209.

Ante, p. 543.

Sioux City Municipal Airport, Sioux City, Iowa: Communications and navigational aids, and land acquisition, \$11,000, which amount is included in the authorizations in Public Laws 155, 534, and 209.

Ante, p. 543.

Stewart Air Force Base, Newburg, New York: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities and personnel facilities, \$2,659,000.

Suffolk County Air Force Base, Westhampton, New York: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, utilities, land acquisition, storage facilities, and shop facilities, a total of \$1,445,000, of which amount \$624,000 is included in the authorizations in Public Laws 910, 155, and 534, and \$821,000 is herewith authorized.

Ante, p. 543.

Traverse City area, Michigan: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, medical facilities, and storage facilities, \$8,635,000.

Truax Field, Madison, Wisconsin: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, aircraft maintenance facilities, land acquisition, and storage facilities, \$1,256,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Wurtsmith Air Force Base, Oscoda, Michigan: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, aircraft maintenance facil-

ities, troop housing and messing facilities, utilities, land acquisition, and storage facilities, a total of \$2,395,000, of which amount \$655,000 is included in the authorizations in Public Laws 910, 155, 534, and 209, and \$1,740,000 is herewith authorized.

Ante, p. 543.

Youngstown Municipal Airport, Youngstown, Ohio: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, aircraft maintenance facilities, land acquisition, storage facilities, and shop facilities, \$687,000, which amount is included in the authorizations in Public Laws 910, 155, and 209.

Ante, p. 543.

Yuma County Airport, Yuma, Arizona: Airfield pavements, liquid fuel storage and dispensing facilities, airfield lighting facilities, operational facilities, troop housing and messing facilities, utilities, land acquisition, and personnel facilities, a total of \$2,127,000, of which amount \$541,000 is included in the authorizations in Public Laws 534 and 209, and \$1,586,000 is herewith authorized.

Ante, p. 543.

TACTICAL AIR COMMAND

Alexandria Air Force Base, Alexandria, Louisiana: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$5,852,000, of which amount \$4,239,000 is included in the authorizations in Public Laws 155, 534, and 209, and \$1,613,000 is herewith authorized.

Ante, p. 543.

Ardmore Air Force Base, Ardmore, Oklahoma: Communications, navigational aids and airfield lighting facilities, aircraft maintenance facilities, utilities, land acquisition, personnel facilities, and administrative and community facilities, \$502,000, which amount is included in the authorizations in Public Laws 155 and 534.

Ante, p. 543.

Blytheville Air Force Base, Blytheville, Arkansas: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, \$2,717,000, which amount is included in the authorizations in Public Laws 534 and 209.

Ante, p. 543.

Bunker Hill Airport, Peru, Indiana: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, family housing, utilities, land acquisition, medical facilities, storage facilities, personnel facilities, and shop facilities, a total of \$2,728,000, of which amount \$2,652,000 is included in the authorizations in Public Laws 534 and 209, and \$76,000 is herewith authorized.

Ante, p. 543.

Clovis Air Force Base, Clovis, New Mexico: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, troop housing and messing facilities, family housing, utilities, land acquisition, storage facilities, and administrative and community facilities, a total of \$2,748,000, of which amount \$741,000 is included in the authorizations in Public Laws 155, 534, and 209, and \$2,007,000 is herewith authorized.

Ante, p. 543.

Donaldson Air Force Base, Greenville, South Carolina: Airfield pavements, communications and navigational aids, aircraft maintenance facilities, utilities, land acquisition, and shop facilities, a total of \$3,212,000, of which amount \$1,906,000 is included in the authorizations in Public Laws 910 and 155, and \$1,306,000 is herewith authorized.

Ante, p. 543.

Eglin Auxiliary Field, Hurlburt, Florida: Liquid fuel storage and dispensing facilities, communications and navigational aids, opera-

tional facilities, aircraft maintenance facilities, family housing, utilities, medical facilities, storage facilities, personnel facilities, administrative and community facilities, and harbor facilities, \$1,772,000, which amount is included in the authorizations in Public Laws 155 and 209.

Ante, p. 543.

Foster Air Force Base, Victoria, Texas: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, utilities, land acquisition, storage facilities, personnel facilities, and administrative and community facilities, \$1,378,000, which amount is included in the authorizations in Public Laws 155, 534, and 209.

Ante, p. 543.

George Air Force Base, Victorville, California: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$5,140,000, of which amount \$366,000 is included in the authorizations in Public Laws 910, 155, and 209, and \$4,774,000 is herewith authorized.

Ante, p. 543.

Langley Air Force Base, Hampton, Virginia: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, family housing, utilities, and land acquisition, \$2,534,000, which amount is included in the authorizations in Public Laws 564, 910, 155, and 209.

Ante, p. 543.

Larson Air Force Base, Moses Lake, Washington: Airfield pavements, communications and navigational aids, aircraft maintenance facilities, utilities, land acquisition, storage facilities, and shop facilities, \$1,890,000, which amount is included in the authorizations in Public Laws 564, 910, 155, 534, and 209.

Ante, p. 543.

Lawson Air Force Base, Columbus, Georgia: Airfield pavements, communications and navigational aids, aircraft maintenance facilities, troop housing and messing facilities, utilities, storage facilities, administrative and community facilities, and shop facilities, a total of \$4,469,000, of which amount \$3,250,000 is included in the authorizations in Public Laws 910 and 155, and \$1,219,000 is herewith authorized.

Ante, p. 543.

Myrtle Beach Airport, Myrtle Beach, South Carolina: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, personnel facilities, and administrative and community facilities, a total of \$11,817,000, of which amount \$8,383,000 is included in the authorization in Public Law 534, and \$3,434,000 is herewith authorized.

Ante, p. 543.

Pope Air Force Base, Fort Bragg, North Carolina: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, \$2,104,000, which amount is included in the authorizations in Public Laws 910, 155, and 209.

Ante, p. 543.

Sewart Air Force Base, Smyrna, Tennessee: Airfield pavements, communications and navigational aids, operational facilities, utilities, land acquisition, and shop facilities, \$872,000, which amount is included in the authorizations in Public Laws 910 and 155.

Ante, p. 543.

Seymour Johnson Air Force Base, Goldsboro, North Carolina: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational

facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, personnel facilities, and shop facilities, a total of \$13,444,000, of which amount \$6,916,000 is included in the authorization in Public Law 534, and \$6,528,000 is herewith authorized.

Ante, p. 543.

Shaw Air Force Base, Sumter, South Carolina: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, storage facilities, administrative and community facilities, and shop facilities, \$2,997,000, which amount is included in the authorizations in Public Laws 910 and 155.

Ante, p. 543.

AIR TRAINING COMMAND

Amarillo Air Force Base, Amarillo, Texas: Communications and navigational aids, utilities, land acquisition, and personnel facilities, \$393,000, which amount is included in the authorizations in Public Laws 910 and 155.

Ante, p. 543.

Bryan Air Force Base, Bryan, Texas: Communications and navigational aids, utilities, and land acquisition, \$108,000, which amount is included in the authorizations in Public Laws 155, 534, and 209.

Ante, p. 543.

Chanute Air Force Base, Rantoul, Illinois: Communications and navigational aids, operational facilities, and land acquisition, \$186,000.

Craig Air Force Base, Selma, Alabama: Airfield pavements, communications and navigational aids, and land acquisition, \$138,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Ellington Air Force Base, Houston, Texas: Airfield pavements, communications and navigational aids, and training facilities, \$1,073,000, which amount is included in the authorizations in Public Laws 564, 155, 534, and 209.

Ante, p. 543.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Communications and navigational aids, and land acquisition, \$26,000, which amount is included in the authorizations in Public Laws 910 and 155.

Ante, p. 543.

Gila Bend Auxiliary Field, Gila Bend, Arizona: Communications and navigational aids, troop housing and messing facilities, utilities, land acquisition, personnel facilities, and shop facilities, \$842,000.

Goodfellow Air Force Base, San Angelo, Texas: Communications and navigational aids, \$15,000, which amount is included in authorizations in Public Laws 155, 534, and 209.

Ante, p. 543.

Greenville Air Force Base, Greenville, Mississippi: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, land acquisition, and harbor facilities, a total of \$813,000, of which amount \$111,000 is included in the authorizations in Public Laws 910 and 209, and \$702,000 is herewith authorized.

Ante, p. 543.

Harlingen Air Force Base, Harlingen, Texas: Communications and navigational aids, training facilities, troop housing and messing facilities, utilities, and land acquisition, \$2,035,000, which amount is included in the authorizations in Public Laws 155, 534, and 209.

Ante, p. 543.

James Connally Air Force Base, Waco, Texas: Airfield pavements, communications and navigational aids, and land acquisition, \$3,853,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Keesler Air Force Base, Biloxi, Mississippi: Communications and navigational aids, operational facilities, training facilities, utilities, and land acquisition, \$207,000, which amount is included in the authorizations in Public Laws 910 and 155.

Ante, p. 543.

Ante, p. 543. Laredo Air Force Base, Laredo, Texas: Airfield pavements, communications and navigational aids, aircraft maintenance facilities, training facilities, and land acquisition, \$459,000, which amount is included in the authorizations in Public Laws 155 and 534.

Ante, p. 543. Laughlin Air Force Base, Del Rio, Texas: Communications and navigational aids, utilities, land acquisition, and personnel facilities, \$267,000, which amount is included in the authorizations in Public Laws 155, 534, and 209.

Ante, p. 543. Luke Air Force Base, Phoenix, Arizona: Airfield pavements, communications and navigational aids, training facilities, utilities, and administrative and community facilities, a total of \$862,000, of which amount \$481,000 is included in the authorizations in Public Laws 910, 155, 534, and 209, and \$381,000 is herewith authorized.

Ante, p. 543. Mather Air Force Base, Sacramento, California: Airfield pavements, communications and navigational aids, and land acquisition, \$1,530,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543. Moody Air Force Base, Valdosta, Georgia: Airfield pavements, \$339,000, which amount is included in the authorizations in Public Laws 155, 534, and 209.

Ante, p. 543. Nellis Air Force Base, Las Vegas, Nevada: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, storage facilities, and administrative and community facilities, \$1,932,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543. Perrin Air Force Base, Sherman, Texas: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, utilities, land acquisition, personnel facilities, and storage facilities, a total of \$1,940,000, of which amount \$1,508,000 is included in the authorizations in Public Laws 910, 155, 534, and 209, and \$432,000 is herewith authorized.

Ante, p. 543. Reese Air Force Base, Lubbock, Texas: Communications and navigational aids, utilities, land acquisition, and storage facilities, \$112,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543. Scott Air Force Base, Belleville, Illinois: Airfield pavements, communications and navigational aids, operational facilities, and land acquisition, \$934,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Selma Municipal Airport, Selma, Alabama: Airfield pavements, \$176,000.

Ante, p. 543. Sheppard Air Force Base, Wichita Falls, Texas: Communications and navigational aids, and land acquisition, \$32,000, which amount is included in the authorizations in Public Laws 910 and 155.

Ante, p. 543. Tyndall Air Force Base, Panama City, Florida: Airfield pavements, communications and navigational aids, aircraft maintenance facilities, utilities, and land acquisition, a total of \$1,479,000, of which amount \$412,000 is included in the authorizations in Public Laws 910, 155, 534, and 209, and \$1,067,000 is herewith authorized.

Ante, p. 543. Vance Air Force Base, Enid, Oklahoma: Communications and navigational aids, and land acquisition, \$138,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543. Webb Air Force Base, Big Springs, Texas: Communications and navigational aids, utilities, land acquisition, and personnel facilities, \$100,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Wichita Air Force Base, Wichita, Kansas: Airfield pavements, training facilities, utilities, land acquisition, personnel facilities, and administrative and community facilities, \$2,479,000.

Williams Air Force Base, Chandler, Arizona: Communications and navigational aids, aircraft maintenance facilities, and utilities, \$94,000, which amount is included in the authorizations in Public Laws 910, 155, and 534.

Ante, p. 543.

AIR MATERIEL COMMAND

Birmingham Modification Center, Birmingham, Alabama: Utilities and shop facilities, \$78,000, which amount is included in the authorization in Public Law 534.

Ante, p. 543.

Brookley Air Force Base, Mobile, Alabama: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, aircraft maintenance facilities, utilities, land acquisition, personnel facilities, and administrative and community facilities, \$3,814,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Gentile Air Force Depot, Dayton, Ohio: Utilities, storage facilities, and shop facilities, \$489,000, which amount is included in the authorizations in Public Laws 910 and 155.

Ante, p. 543.

Hill Air Force Base, Ogden, Utah: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, utilities, land acquisition, storage facilities, and administrative and community facilities, a total of \$10,170,000, of which amount \$2,237,000 is included in the authorizations in Public Laws 910, 155, and 534, and \$7,933,000 is herewith authorized.

Ante, p. 543.

Kelly Air Force Base, San Antonio, Texas: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, utilities, and land acquisition, \$12,713,000, which amount is included in the authorizations in Public Laws 564, 910, 155, 534, and 209.

Ante, p. 543.

Mallory Air Force Depot, Memphis, Tennessee: Aircraft maintenance facilities and utilities, a total of \$268,000, of which amount \$25,000 is included in the authorization in Public Law 155, and \$243,000 is herewith authorized.

Ante, p. 543.

McClellan Air Force Base, Sacramento, California: Airfield pavements, communications, navigational aids and airfield lighting facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, storage facilities, and administrative and community facilities, \$3,415,000, which amount is included in the authorizations in Public Laws 910, 155, 534, and 209.

Ante, p. 543.

Norton Air Force Base, San Bernardino, California: Airfield pavements, communications and navigational aids, aircraft maintenance facilities, utilities, land acquisition, and storage facilities, a total of \$4,303,000, of which amount \$2,120,000 is included in the authorizations in Public Laws 910, 155, and 209, and \$2,183,000 is herewith authorized.

Ante, p. 543.

Norwalk No. 1 Air Force Tank Farm, Norwalk, California: Liquid fuel storage and dispensing facilities, \$156,000.

Norwalk No. 2 Air Force Tank Farm, Norwalk, California: Liquid fuel storage and dispensing facilities, and utilities, a total of \$737,000, of which amount \$19,000 is included in the authorizations in Public Laws 564 and 910, and \$718,000 is herewith authorized.

Ante, p. 543.

Olmsted Air Force Base, Middletown, Pennsylvania: Operational facilities, aircraft maintenance facilities, utilities, land acquisition, and storage facilities, \$1,970,000, which amount is included in the authorizations in Public Laws 910, 155, and 209.

Ante, p. 543.

Robins Air Force Base, Macon, Georgia: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, troop housing and

Ante, p. 543. messing facilities, utilities, land acquisition, storage facilities, and administrative and community facilities, a total of \$14,645,000, of which amount \$6,427,000 is included in the authorizations in Public Laws 910, 155, and 209, and \$8,218,000 is herewith authorized.

Ante, p. 543. Tinker Air Force Base, Oklahoma City, Oklahoma: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, utilities, land acquisition, storage facilities, administrative and community facilities, and shop facilities, a total of \$6,159,000, of which amount \$206,000 is included in the authorizations in Public Laws 910, 155, 534, and 209, and \$5,953,000 is herewith authorized.

Ante, p. 543. Topeka Air Force Depot, Topeka, Kansas: Utilities, a total of \$218,000, of which amount \$24,000 is included in the authorization in Public Law 155, and \$194,000 is herewith authorized.

Ante, p. 543. Wright-Patterson Air Force Base, Dayton, Ohio: Communications and navigational aids, operational facilities, utilities, land acquisition, and research, development and test facilities, \$5,847,000, which amount is included in the authorizations in Public Laws 564, 910, 155, and 209.

Various locations: Operational facilities, utilities, storage facilities, and personnel facilities, \$802,000.

MILITARY AIR TRANSPORT SERVICE

Ante, p. 543. Andrews Air Force Base, Camp Springs, Maryland: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, utilities, and land acquisition, \$2,059,000, which amount is included in the authorizations in Public Laws 910, 155, and 209.

Ante, p. 543. Charleston Air Force Base, Charleston, South Carolina: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, medical facilities, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$7,472,000, of which amount \$2,088,000 is included in the authorizations in Public Laws 155 and 209, and \$5,384,000 is herewith authorized.

Ante, p. 543. Dover Air Force Base, Dover, Delaware: Airfield pavements, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, a total of \$3,348,000, of which amount \$1,694,000 is included in the authorizations in Public Laws 910 and 155, and \$1,654,000 is herewith authorized.

Ante, p. 543. McGuire Air Force Base, Wrightstown, New Jersey: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, utilities, and land acquisition, \$4,638,000, which amount is included in the authorizations in Public Laws 564, 910, 155, and 209.

Ante, p. 543. Palm Beach International Airport, Palm Beach, Florida: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, and land acquisition, \$2,440,000, which amount is included in the authorizations in Public Laws 155, 534, and 209.

CONTINENTAL AIR COMMAND

Ante, p. 543. Beale Air Force Base, Marysville, California: Utilities, storage facilities, and personnel facilities, \$192,000, which amount is included in the authorization in Public Law 155.

Brooks Air Force Base, San Antonio, Texas: Communications and navigational aids, aircraft maintenance facilities, and utilities, \$757,000.

Dobbins Air Force Base, Marietta, Georgia: Operational facilities, troop housing and messing facilities, utilities, storage facilities, and personnel facilities, \$576,000.

Mitchel Air Force Base, Hempstead, New York: Communications and navigational aids, operational facilities, utilities, and land acquisition, a total of \$729,000, of which amount \$43,000 is included in the authorization in Public Law 155, and \$686,000 is herewith authorized.

Ante, p. 543.

Wolters Air Force Base, Mineral Wells, Texas: Troop housing and messing facilities, utilities, land acquisition, storage facilities, and personnel facilities, \$845,000, which amount is included in the authorizations in Public Laws 910 and 155.

Ante, p. 543.

RESEARCH AND DEVELOPMENT COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development and test facilities, liquid fuel storage and dispensing facilities, utilities, and personnel facilities, \$73,500,000.

Edwards Air Force Base, Muroc, California: Airfield pavements, communications and navigational aids, operational facilities, aircraft maintenance facilities, training facilities, troop housing and messing facilities, utilities, land acquisition, research, development and test facilities, storage facilities, personnel facilities, and administrative and community facilities, a total of \$27,478,000, of which amount \$11,286,000 is included in the authorizations in Public Laws 564, 910, 155, and 209, and \$16,192,000 is herewith authorized.

Ante, p. 543.

Griffiss Air Force Base, Rome, New York: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, research, development and test facilities, storage facilities, and shop facilities, a total of \$2,869,000, of which amount \$1,217,000 is included in the authorizations in Public Laws 838, 910, 155, 534, and 209, and \$1,652,000 is hereby authorized.

Ante, p. 543.

Hartford Research Facility, Hartford, Connecticut: Research, development and test facilities, and land acquisition, \$5,750,000.

Holloman Air Force Base, Alamogordo, New Mexico: Airfield pavements, airfield lighting facilities, operational facilities, troop housing and messing facilities, utilities, land acquisition, research, development and test facilities, storage facilities, administrative and community facilities, and shop facilities, a total of \$7,141,000, of which amount \$2,489,000 is included in the authorizations in Public Laws 564, 910, 155, 534, and 209, and \$4,652,000 is herewith authorized.

Ante, p. 543.

Kirtland Air Force Base, Albuquerque, New Mexico: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, family housing, utilities, land acquisition, research, development and test facilities, storage facilities, personnel facilities, and shop facilities, a total of \$5,172,000, of which amount \$4,928,000 is included in the authorizations in Public Laws 564, 910, 155, 534, and 209, and \$244,000 is herewith authorized.

Ante, p. 543.

Laurence G. Hanscom Air Force Base, Bedford, Massachusetts: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, training facilities, utilities, land acquisition, medical facilities, storage facilities, personnel facilities, administrative and community facilities, and shop facilities, \$6,649,000.

Sacramento Peak (Laurence G. Hanscom Auxiliary No. 2), New Mexico: Land acquisition, \$114,000.

Ante, p. 543. Climatic projects laboratory, Mount Washington, New Hampshire: Liquid fuel storage and dispensing facilities, troop housing and messing facilities, utilities, land acquisition, and storage facilities, a total of \$877,000, of which amount \$19,000 is included in the authorizations in Public Laws 564, 910, and 155, and \$858,000 is herewith authorized.

Ante, p. 543. Patrick Air Force Base, Cocoa, Florida: Communications, navigational aids and airfield lighting facilities, operational facilities, troop housing and messing facilities, utilities, land acquisition, research, development and test facilities, and administrative and community facilities, \$6,463,000, which amount is included in the authorizations in Public Laws 60, 534, and 209.

AIR PROVING GROUND COMMAND

Ante, p. 543. Eglin Air Force Base, Valparaiso, Florida: Airfield pavements, communications, navigational aids and airfield lighting facilities, operational facilities, utilities, land acquisition, and research, development and test facilities, \$6,149,000, which amount is included in the authorizations in Public Laws 564, 155, 534, and 209.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama: Communications and navigational aids, operational facilities, training facilities, troop housing and messing facilities, utilities, and land acquisition, \$1,392,000.

HEADQUARTERS COMMAND

Ante, p. 543. Bolling Air Force Base, Washington, District of Columbia: Communications and navigational aids, troop housing and messing facilities, utilities, and land acquisition, a total of \$236,000, of which amount \$123,000 is included in the authorization in Public Law 534, and \$113,000 is herewith authorized.

COMMUNICATIONS AND NAVIGATIONAL AIDS

Various locations: Communications and navigational aids, and land acquisition, \$1,040,000.

OUTSIDE CONTINENTAL UNITED STATES

ALASKAN AIR COMMAND

Adak (Davis Naval Station): Communications and navigational aids, \$24,000.

Ante, p. 543. Eielson Air Force Base: Communications and navigational aids, and land acquisition, \$66,000, which amount is included in the authorizations in Public Laws 420, 564, 910, 155, and 534.

Ante, p. 543. Elmendorf Air Force Base: Communications, navigational aids and airfield lighting facilities, utilities, land acquisition, and storage facilities, \$449,000, which amount is included in the authorizations in Public Laws 420, 564, 910, 155, and 534.

Ante, p. 543. Galena Airfield: Airfield pavements, liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, troop housing and messing facilities, utilities, and storage facilities, a total of \$6,362,000, of which amount \$50,000 is included in the authorization in Public Law 534, and \$6,312,000 is herewith authorized.

Ladd Air Force Base: Airfield pavements, communications, navigational aids and airfield lighting facilities, aircraft maintenance facilities, training facilities, utilities, and storage facilities, \$2,223,000, which amount is included in the authorizations in Public Laws 420, 564, 910, 155, and 534.

Ante, p. 543.

Naknek Air Force Base: Liquid fuel storage and dispensing facilities, communications and navigational aids, aircraft maintenance facilities, troop housing and messing facilities, utilities, and storage facilities, a total of \$2,862,000, of which amount \$1,775,000 is included in the authorizations in Public Laws 910, 155, and 534, and \$1,087,000 is herewith authorized.

Ante, p. 543.

Various locations: Communications and navigational aids, and land acquisition, \$890,000, which amount is included in the authorizations in Public Laws 155 and 534.

Ante, p. 543.

FAR EAST AIR FORCES

Clark Air Force Base, Philippine Islands: Communications and navigational aids, \$132,000, which amount is included in the authorization in Public Law 534.

Ante, p. 543.

Various locations, Guam: Airfield pavements, liquid fuel storage and dispensing facilities, communications, navigational aids and airfield lighting facilities, operational facilities, aircraft maintenance facilities, family housing, utilities, land acquisition, storage facilities, and administrative and community facilities, \$13,774,000, which amount is included in the authorizations in Public Laws 910, 155, and 534.

Ante, p. 543.

Various locations, Okinawa: Communications and navigational aids, operational facilities, family housing, utilities, and administrative and community facilities, \$14,308,000, which amount is included in the authorizations in Public Laws 420, 910, 155, and 534.

Ante, p. 543.

MILITARY AIR TRANSPORT SERVICE

Hickam Air Force Base, Honolulu, Hawaii: Airfield pavements, communications and navigational aids, troop housing and messing facilities, and utilities, a total of \$4,450,000, of which amount \$2,044,000 is included in the authorizations in Public Laws 910 and 155, and \$2,406,000 is herewith authorized.

Ante, p. 543.

Johnston Island Air Force Base, Johnston Island: Communications and navigational aids, \$27,000, which amount is included in the authorizations in Public Laws 564, 910, and 155.

Ante, p. 543.

STRATEGIC AIR COMMAND

Ramey Air Force Base, Puerto Rico: Liquid fuel storage and dispensing facilities, communications and navigational aids, operational facilities, aircraft maintenance facilities, utilities, land acquisition, personnel facilities, and administrative and community facilities, \$2,386,000, which amount is included in the authorizations in Public Laws 910, 155, and 534.

Ante, p. 543.

SEC. 302. (a) The Secretary of the Air Force is authorized to establish or develop classified military installations and facilities for aircraft control and warning system by the acquisition of land and the construction, conversion, rehabilitation or installation of permanent or temporary public works, which include site preparation, appurtenances, utilities and equipment, in the amount of \$110,325,000, which amount is included in the authorization in Public Law 155.

Classified military installations and facilities.

Ante, p. 543.

(b) Section 302 of the Act approved September 28, 1951 (65 Stat. 336), is hereby amended by striking the figures "\$1,071,638,000" and inserting in lieu thereof "\$1,034,906,000".

Puerto Rico.
Conveyance.

SEC. 303. The Secretary of the Air Force may convey by quitclaim deed to the Commonwealth of Puerto Rico without cost to said Commonwealth all right, title and interest of the United States in and to approximately eighteen and three-hundredths acres of land located in the Ward of Monacillo, Municipality of Rio Piedras at San Juan, Puerto Rico, known as tract numbered 2 of the San Patricio gasoline storage project.

TITLE IV

Alaska Commu-
nications System.

SEC. 401. The Secretary of the Army is authorized to establish or develop installations and facilities of the Alaska Communications System by the construction, conversion, rehabilitation, or installation of permanent or temporary public works in respect of the following projects, which include site preparation, appurtenances, and related utilities and equipment:

Adak Station, Alaska: Operational facilities (including troop housing), \$70,000.

Bethel Station, Alaska: Troop housing, family housing, utilities, and operational facilities, \$185,000.

Cordova Station, Alaska: Operational facilities and utilities, \$25,600.

Kotzebue Station, Alaska: Troop housing, family housing, operational facilities, and utilities, \$182,000.

TITLE V

Acquisition of
land, etc.

10 USC 1339; 31
USC 529; 40 USC
259, 267.
33 USC 733 and
note.

SEC. 501. (a) The Secretaries of the Army, Navy, and Air Force are respectively authorized to proceed with the establishment or development of military and naval installations and facilities as authorized by titles I, II, III, and IV of this Act without regard to the provisions of sections 1136, 3648, and 3734, as respectively amended, of the Revised Statutes, and prior to approval of title to underlying land, as provided by section 355, as amended, of the Revised Statutes. The authority to establish or develop military installations and facilities shall include, in respect of those installations and facilities as to which the acquisition of land is specified in titles I, II, and III of this Act, authority to acquire lands and rights and interests thereto or therein, including the temporary use thereof, by donation, purchase, exchange of Government-owned lands, or otherwise.

Restriction.

Options

Report.

(b) No real estate not in Federal ownership shall be acquired by a military department except as such acquisition is or shall be expressly authorized by law: *Provided, however*, That the Secretaries of the military departments may, prior to such authorization, procure options on real estate which in their judgment is suitable and likely to be required in connection with prospective public works projects of the military departments and to pay, out of any funds available to such departments for real estate activities, amounts not in excess of 3 per centum per annum of the appraised fair market value of the real estate involved as consideration for such options: *Provided further*, That for each semiannual period beginning July 1, 1954, during which a military department procures any option under the authority of this section, the Secretary of such military department shall render to the Armed Services Committees of the Senate and House of Representatives a report as to the options procured during such period.

SEC. 502. There are hereby authorized to be appropriated such sums of money as may be necessary to accomplish the purposes of this Act, but not to exceed—

Appropriations
authorized.

(1) for public works authorized by title I: Inside continental United States, \$129,096,000; outside continental United States, \$19,264,000; classified installations and facilities, \$87,700,000; or a total of \$236,060,000;

(2) for public works authorized by title II: Inside continental United States, \$102,042,000; outside continental United States, \$36,493,000; classified installations and facilities, \$63,358,000; or a total of \$201,893,000;

(3) for public works authorized by title III: Inside continental United States, \$389,125,000; outside continental United States, \$9,829,000; or a total of \$398,954,000; and

(4) for public works authorized by title IV: a total of \$462,600.

SEC. 503. Any of the approximate costs enumerated in titles I, II, III, and IV as to which appropriations are authorized by this Act may, in the discretion of the Secretary concerned, be varied upward by 5 per centum in the case of projects within continental United States and 10 per centum in the case of projects outside the continental United States, but the total cost of all projects so enumerated under each of such titles shall not exceed the total of all amounts specified in respect of projects in such title.

Cost variations.

SEC. 504. Except as otherwise specifically authorized in this Act, no family quarters shall be constructed under the authority of this Act with a net floor area in excess of one thousand two hundred and fifty square feet, and the average net floor area of all such family quarters shall not exceed one thousand and eighty square feet.

Family quarters.

SEC. 505. Appropriations made to carry out the purposes of this Act shall be available with respect to public works projects authorized by law for expenses incident to construction, including administration, overhead, planning, and supervision.

Public works
projects.

SEC. 506. Whenever—

(a) the President determines that compliance with the requirements of Public Law 245, Eighty-second Congress, in the case of contracts made pursuant to this Act with respect to the establishment or development of military installations and facilities in foreign countries would interfere with the carrying out of the provisions of this Act; and

(b) the Secretary of Defense and the Comptroller General have agreed upon alternative methods for conducting an adequate audit of such contracts,

Contracts.

65 Stat. 700.
41 USC 153, 254.

the President is authorized to exempt such contracts from the requirements of Public Law 245, Eighty-second Congress.

SEC. 507. Section 405 of the Act of June 17, 1950 (64 Stat. 236, 244) is repealed.

Unit cost limita-
tions.

SEC. 508. None of the authority contained in titles I, II, and III of this Act shall be deemed to authorize any building construction project within the continental United States at a unit cost in excess of—

- (a) \$20 per square foot for cold-storage warehousing;
- (b) \$6 per square foot for regular warehousing;
- (c) \$1,700 per man for permanent barracks;
- (d) \$1,400 per man for ten-year-life barracks; or
- (e) \$5,000 per man for bachelor officer quarters,

unless the Secretary of Defense determines that, because of special circumstances, application to such project of the limitation on unit costs contained in this section is impracticable.

Reimbursement
of owners and
tenants.

65 Stat. 364.

Restriction.

66 Stat. 624.

Restriction.

Applicability.

Award of con-
tracts.

62 Stat. 21.
41 USC 151 note.

SEC. 509. (a) The first sentence of section 501 (b) of the Act entitled "An Act to authorize certain construction at military and naval installations, and for other purposes", approved September 28, 1951 (65 Stat. 336), is amended to read as follows: The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force are respectively authorized, to the extent administratively determined by each to be fair and reasonable under regulations approved by the Secretary of Defense, to reimburse the owners and tenants of land, used by such owners and tenants for residential or agricultural purposes, acquired by their departments pursuant to the provisions of this Act for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary of the military department concerned. No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses and damages so incurred, shall have been submitted to the Secretary of the military department concerned within one year following the date of such vacating.

(b) The first sentence of section 401 (b) of the Act entitled "An Act to authorize certain construction at military and naval installations, and for other purposes", approved July 14, 1952 (66 Stat. 606), is amended to read as follows: "The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force are respectively authorized, to the extent administratively determined by each to be fair and reasonable, under regulations approved by the Secretary of Defense, to reimburse the owners and tenants of land, used by such owners and tenants for residential or agricultural purposes, to be acquired for any public works project of the military department concerned for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary of the military department concerned."

(c) The amendments made by this section shall apply only with respect to land acquired subsequent to the date of enactment of this Act.

SEC. 510. All contracts entered into by the United States pursuant to the authorization contained in this Act shall be awarded, so far as practicable, if the interest of the national security shall not be impaired thereby and if such award is consistent with the provisions of the Armed Services Procurement Act of 1947, on a competitive basis to the lowest responsible bidder.

Approved July 27, 1954.

Public Law 535

CHAPTER 580

AN ACT

To indemnify against loss all persons whose swine were destroyed in July 1952 as a result of having been infected with or exposed to the contagious disease vesicular exanthema.

July 27, 1954
[S. 2583]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to indemnify in an amount equal to 50 per centum of their loss, but not exceeding the indemnity paid by the State, all persons whose swine were destroyed under authority of law in July 1952 as a result of having been infected with or exposed to the contagious disease vesicular exanthema.

Swine destruction.
Indemnity payments.

SEC. 2. The payment of indemnities under the provisions of this Act shall be limited, in the absence of Federal appraisal, to those losses where required proof of such losses has been made to the State and 50 per centum of said loss has been paid by such State.

Limitation.

SEC. 3. Payments made pursuant to the provisions of this Act shall be made from funds currently available to the Department of Agriculture.

Funds.

Approved July 27, 1954.

Public Law 536

CHAPTER 581

AN ACT

Granting the consent and approval of Congress to the Southeastern Interstate Forest Fire Protection Compact.

July 27, 1954
[S. 2786]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is hereby given to the Southeastern Interstate Forest Fire Protection Compact, as hereinafter set out. Such compact reads as follows:

Southeastern Interstate Forest Fire Protection Compact.
Consent and approval of Congress.

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

ARTICLE I.

The purpose of this compact is to promote effective prevention and control of forest fires in the Southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other Regional Forest Fire Protection compacts or agreements, and for more adequate forest protection.

ARTICLE II.

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, which are contiguous have ratified it and Congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the legislature of each of the member states.

ARTICLE III.

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet from time to time with the compact administrators. Each member state shall name one member of the Senate and one member of the House of Representatives who shall be designated by that state's commission on interstate cooperation, or if said commission cannot constitutionally designate the said members, they shall be designated in accordance with laws of that state; and the Governor of each member state shall appoint two representatives, one of whom shall be associated with forestry or forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

ARTICLE IV.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

ARTICLE V.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance, or use of any equipment or supplies in connection therewith; Provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and subsistence of employees and maintenance of equipment incurred in connection with such request: Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

ARTICLE VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between any federal agency and a member state or states.

ARTICLE VII.

The compact administrators may request the United States Forest Service to act as a research and coordinating agency of the Southeastern Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept responsibility for preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of any federal agency engaged in forest fire prevention and control may attend meetings of the compact administrators.

ARTICLE VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region: Provided, that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

ARTICLE IX.

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the Governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

Congressional
approval.

SEC. 2. Without further submission of the compact, the consent of Congress is given to any State to become a party to it in accordance with its terms.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Approved July 27, 1954.

Public Law 537

CHAPTER 582

AN ACT

July 27, 1954
[S. 3197]

To authorize the acceptance of conditional gifts to further the defense effort.

Gifts.
Acceptance for
defense.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to further the defense effort of the United States—

(a) the Secretary of the Treasury is authorized to accept or reject on behalf of the United States any gift of money or other intangible personal property made on condition that it be used for a particular defense purpose; and

(b) the Administrator of General Services is authorized to accept or reject on behalf of the United States any gift of other property, real or personal, made on condition that it be used for a particular defense purpose.

Conversion into
money.

SEC. 2. The Secretary of the Treasury may convert into money, at the best terms available, any such gift of intangible property other than money; and the Administrator of General Services may convert into money, at the best terms available, any such gift of tangible property, or transfer to any other Federal agency without reimbursement such property as he may determine usable for the particular purpose for which it was donated.

Special account.

SEC. 3. There shall be established on the books of the Treasury a special account into which shall be deposited all money received as a result of such gifts.

Payment to ap-
propriation ac-
counts.

SEC. 4. The Secretary of the Treasury, in order to effectuate the purposes for which gifts accepted under this Act are made, shall from time to time pay the money in such special account to such of the various appropriation accounts as in his judgment will best effectuate the intent of the donors, and such money is hereby appropriated and shall be available for expenditure for the purposes of the appropriations to which paid.

SEC. 5. The Secretary of the Treasury and the Administrator of General Services shall consult with interested Federal agencies in carrying out the provisions of this Act.

SEC. 6. Nothing in this Act shall be construed to modify or repeal the authority to accept conditional gifts under any other provision of law.

Approved July 27, 1954.

Public Law 538

CHAPTER 583

AN ACT

To authorize the Supreme Court of the United States to make and publish rules for procedure on review of decisions of The Tax Court of the United States.

July 27, 1954
[H. R. 1067]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 131 of title 28 of the United States Code be amended by adding at the end thereof a new section, as follows:

U. S. Tax Court.
Review of deci-
sions.
62 Stat. 961.

“§ 2074. Rules for review of decisions of the Tax Court of the United States

“The Supreme Court shall have the power to prescribe, and from time to time amend, uniform rules for the filing of petitions or notices of appeal, the preparation of records, and the practice, forms, and procedure in the several United States Courts of Appeals in proceedings for review of decisions of the Tax Court of the United States.

“Such rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant.

“Such rules shall not take effect until they shall have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported.”

SEC. 2. The chapter analysis of chapter 131 of title 28 of the United States Code immediately preceding section 2071 is amended by adding at the end thereof the following:

“2074. Rules for review of decisions of the Tax Court of the United States.”

Approved July 27, 1954.

Public Law 539

CHAPTER 584

AN ACT

Authorizing the President to exercise certain powers conferred upon him by the Hawaiian Organic Act in respect of certain property ceded to the United States by the Republic of Hawaii, notwithstanding the Acts of August 5, 1939, and June 16, 1949, or other Acts of Congress.

July 27, 1954
[H. R. 2846]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the Act of August 5, 1939 (53 Stat. 1209, ch. 444), the Act of June 16, 1949 (63 Stat. 176), or any other Act of Congress, the President is hereby authorized to exercise, in respect of the following-described land required for completion of a harbor improvement project in Honolulu, Hawaii, all these powers which, by the second sentence of section 91 of the Hawaiian Organic Act, as amended, are conferred upon him in respect of other ceded property taken for the uses and purposes of the United States:

Honolulu, Ha-
waii.
Land for harbor
improvements.
40 USC 352 note.

36 Stat. 447.
43 USC 511.

1. The following-described land now under the jurisdiction of the General Services Administration and being portions of the land described in section 203 of the Act of June 16, 1949 (63 Stat. 176):

63 Stat. 177.

(a) Beginning at the north corner of this parcel of land, and on the southeast side of Channel Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station “Punchbowl” being four thousand four hundred twelve and twenty-two one-hundredths feet south and five thousand six hundred seventy-eight and thirty-nine one-hundredths feet west, and running by azimuths measured clockwise from true south: Three hundred and

³ C F R, 1951
Supp., p. 520.

nine degrees three minutes one hundred sixty-seven and one one-hundredth foot along portion of Presidential Executive Order 10309, tract 1; thirty-eight degrees fifty-seven minutes twenty seconds ninety-six and seventy one-hundredths feet along same; three hundred and eight degrees forty-eight minutes thirty seconds twenty-five and ninety-eight one-hundredths feet along same; thirty-eight degrees forty-eight minutes thirty seconds four hundred seven and fifty-two one-hundredths feet along portion of United States Military Reservation Fort Armstrong (Presidential Executive Order 5487) and along portion of quarantine station site (Act of June 16, 1949); one hundred and twenty-nine degrees no minutes one hundred ninety-four and forty-three one-hundredths feet along portion of quarantine station site (Act of June 16, 1949); two hundred and nineteen degrees no minutes five hundred four and twenty-eight one-hundredths feet along the southeast side of Channel Street to the point of beginning. Area two and eighteen one-hundredths acres;

(b) Beginning at the north corner of this parcel of land, the west corner of the land described in governor's executive order 1081 (pier 2) and on the southeasterly side of the Honolulu Harbor line, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being four thousand six hundred fifty-two and sixteen one-hundredths feet south and six thousand two hundred twenty-two and twenty-five one-hundredths feet west, and running by azimuths measured clockwise from true south: three hundred and nine degrees no minutes sixty feet along governor's executive order numbered 1081; thirty-nine degrees no minutes, twenty feet along portion of quarantine station site (Act of June 16, 1949); one hundred and twenty-nine degrees no minutes sixty feet along same; two hundred and nineteen degrees no minutes, twenty feet along the Honolulu Harbor line to the point of beginning. Area three one-hundredths acres.

2. That land, now part of the Fort Armstrong Military Reservation, which was transferred by the Secretary of Labor to the control and jurisdiction of the Secretary of War (now Secretary of the Army) by letter dated December 16, 1939, pursuant to the Act of August 5, 1939 (53 Stat. 1209, ch. 444). Area sixteen one-hundredths acre.

Approved July 27, 1954.

Public Law 540

CHAPTER 585

AN ACT

July 27, 1954
[H. R. 4854]

To authorize the Secretary of the Interior to construct, operate, and maintain the irrigation works comprising the Foster Creek division of the Chief Joseph Dam project, Washington.

Chief Joseph
Dam project, Wash.
Foster Creek di-
vision construc-
tion, etc.
66 Stat. 753.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as an initial step in supplementing the Act of July 17, 1952 (Public Law 577, Eighty-second Congress), and in order to provide water for the irrigation of approximately six thousand acres of land along the Columbia and Okanogan Rivers in the vicinity of Chief Joseph Dam, Washington, the Secretary of the Interior is authorized to construct, operate, and maintain the Foster Creek division of the Chief Joseph Dam project substantially in accordance with the report of the Secretary of the Interior dated January 7, 1954, and printed as House Document Numbered 374, Eighty-third Congress.

SEC. 2. In the construction, operation and maintenance of the Foster Creek division, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) except that (a) the period provided in subsection (d), section 9, of the Reclamation Project Act of 1939 (53 Stat. 1187), for repayment of construction costs properly chargeable to any block of lands and assigned to be repaid by the irrigators may be extended to fifty years, exclusive of a development period, from the time water is first delivered to that block or to as near that number of years as is consistent with the adoption and operation of a variable payment formula as hereinafter provided; (b) any repayment contract entered into may provide that the amounts to be paid annually thereunder shall be determined in accordance with a formula, mutually agreeable to the parties, which reflects economic conditions pertinent to the irrigators' payment capacity; and (c) all construction costs which are beyond the ability of the irrigators to repay as hereinbefore provided shall be charged to, and returnable to the reclamation fund from, net revenues derived from the sale of power from the Chief Joseph Dam project which are over and beyond those required to amortize the power investment in said project and to return interest on the unamortized balance thereof. Power and energy required for irrigation pumping for the Foster Creek division authorized shall be made available by the Secretary from the Chief Joseph Dam powerplant and other Federal plants interconnected therewith at rates not to exceed the cost of such power and energy from the Chief Joseph Dam taking into account all costs of the dam, reservoir, and powerplant which are determined by the Secretary under the provisions of the Federal reclamation laws to be properly allocable to such irrigation pumping power and energy.

43 USC 371 note.

43 USC 485h.

SEC. 3. Reports on additional reclamation units in the vicinity of the Chief Joseph Dam project proposed to be constructed as units of the project shall be submitted by the Secretary from time to time in accordance with the provisions of the Act of July 17, 1952, *supra*.

Reports to Congress.

SEC. 4. There are hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, \$4,798,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the cost of said type of construction without endangering the economic feasibility of the Foster Creek division of the Chief Joseph Dam project, Washington.

Appropriation.

Approved July 27, 1954.

Public Law 541

CHAPTER 586

AN ACT

To authorize the Secretary of Agriculture to convey a certain parcel of land to the city of Clifton, New Jersey.

July 27, 1954
[H. R. 4928]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to convey by quitclaim deed to the city of Clifton, New Jersey, upon payment by said city of 75 per centum of the appraised fair market value therefor as determined by the Secretary of Agriculture, all the right, title, and interest of the United States in and to a parcel of land comprising the westerly portion of the United States Animal Quarantine Station, Clifton, New Jersey, lying along the southerly side of Colfax Avenue and containing approximately fourteen and one-quarter acres more or less, subject to the reservations, conditions, and restrictions of this Act.

Clifton, N. J.
Conveyance.

The cost of any survey required in connection with the conveyance of this property shall be at the expense of the city of Clifton.

Mineral rights,
etc.

SEC. 2. Said quitclaim deed shall also contain a reservation to the United States of all gas, oil, coal and all source materials essential to the production of fissionable material and all other mineral deposits and the right to the use of the land for extracting and removing same.

Boundary fence.

SEC. 3. The city of Clifton shall, prior to the actual use of the tract of land conveyed to such city by the first section of this Act and prior to the alteration or removal of any fences now upon such tract of land, provide a suitable fence on the boundary line between such parcel of land and the remaining land of the United States animal quarantine station. If the city of Clifton fails to provide such fence prior to the actual use of such tract of land and prior to the alteration or removal of the existing fences, all the right, title, and interest in and to the land conveyed by the first section of this Act shall revert to, and become the property of, the United States, which shall have the immediate right of entry thereon.

Approved July 27, 1954.

Public Law 542

CHAPTER 587

July 27, 1954
[H. R. 6882]

AN ACT

To amend the Act of September 27, 1950, relating to construction of the Vermejo reclamation project.

Vermejo reclama-
tion project,
N. Mex.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 27, 1950 (64 Stat. 1072), as amended, is further amended by adding thereto a new section reading as follows:

Bonded indebt-
edness.

"SEC. 6. Upon the execution of a contract with the Vermejo Conservancy District supplementary to or amendatory of the contract dated August 7, 1952, between the district and the United States, pursuant to which supplementary or amendatory contract the district agrees to an increase in the total obligation repayable by it under the contract of August 7, 1952, in an amount equal to the face value of the outstanding bonds of the Maxwell Irrigation Company held by the Reconstruction Finance Corporation with unpaid interest, if any, accrued after July 1, 1953, and to a commensurate increase in the annual base charge provided in article 10 of said contract the entire obligation of said company to the Reconstruction Finance Corporation shall be fully discharged and said bonds shall be returned to the debtor for cancellation. Thereupon the Secretary of the Interior shall request, and the Secretary of the Treasury shall cause to be transferred on the books of the Treasury to the account of the Reconstruction Finance Corporation from moneys appropriated for carrying on the functions of the Bureau of Reclamation and available for constructing the Vermejo reclamation project, a sum equal to the face value of the outstanding bonds, with accrued interest, as aforesaid, of the Maxwell Irrigation Company held by the Reconstruction Finance Corporation."

Transfer of
funds.

Repayment limi-
tation.

SEC. 2. The limit upon the amount repayable by the contracting organization which is set forth in the proviso to section 2 of the Act of September 27, 1950, shall be exclusive of any additional amount which the district undertakes to repay pursuant to section 1 of this Act.

Approved July 27, 1954.

Public Law 543

CHAPTER 588

AN ACT

Granting the consent of Congress to the Breaks Interstate Park Compact.

July 27, 1954
[H. R. 8549]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress is hereby given to the Breaks Interstate Park Compact between the Commonwealth of Kentucky and the Commonwealth of Virginia. Such compact reads as follows:

Breaks Interstate Park Compact, Ky. and Va.
Consent of Congress.

“BREAKS INTERSTATE PARK COMPACT

“Pursuant to authority granted by an Act of the 83rd Congress of the United States, being Public Law 275, approved August 14, 1953, the Commonwealth of Kentucky and the Commonwealth of Virginia do hereby covenant and agree as follows:

67 Stat. 584.

“ARTICLE I.

“The Commonwealth of Kentucky and the Commonwealth of Virginia agree to create, develop and operate an interstate park to be known as the Breaks Interstate Park, which shall be located along the Russell Fork of the Levisa Fork of the Big Sandy River and on adjacent areas in Pike County, Kentucky, and Dickenson and Buchanan Counties, Virginia. Said park shall be of such area and of such character as may be determined by the commission created by this Compact.

“ARTICLE II.

“There is hereby created the Breaks Interstate Park Commission, which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the appropriate authorities of Kentucky and Virginia. The commission shall consist of three commissioners from each of the two states, each of whom shall be a citizen of the state he shall represent. Members of the commission shall be appointed by the Governor. Vacancies shall be filled by the Governor for the unexpired term. The term of one of the first commissioners appointed shall be for two years, the term of another for three years, and the term of the third for four years. Their successors shall be appointed for terms of four years each. Each commissioner shall hold office until his successor is appointed and qualified. An officer or employee of the state, a political subdivision or the United States government may be appointed a commissioner under this Act.

“ARTICLE III.

“The commission created herein shall be a joint corporate instrumentality of both the Commonwealth of Kentucky and the Commonwealth of Virginia for the purpose of effecting the objects of this compact, and shall be deemed to be performing governmental functions of the two states in the performance of its duties hereunder. The commission shall have power to sue and be sued, to contract and be contracted with, to use a common seal and to make and adopt suitable by-laws, rules and regulations. The commission shall have the authority to acquire by gift, purchase or otherwise real estate and other property, and to dispose of such real estate and other property. Each Commonwealth agrees that it will exercise the right of eminent domain to acquire property located within each Common-

wealth required by the Commission to effectuate the purposes of this Compact.

“ARTICLE IV.

“The commission shall select from among its members a chairman and a vice-chairman, and may select from among its members a secretary and treasurer or may designate other persons to fill these positions. It may appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants and employees as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place. A majority of the commissioners present shall constitute a quorum for the transaction of business. The commissioners shall serve without compensation, but shall be paid their expenses incurred in and incident to the performance of their duties. They shall take the oath of office required of officers of their respective states.

“ARTICLE V.

“Each Commonwealth agrees that the officers and departments of each will be authorized to do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the compact in every particular. The Commission shall be entitled to the services of any state officer or agency in the same manner as any other department or agency of this state. The Commission shall keep accurate records, showing in full its receipts and disbursements, and said records shall be open at any reasonable time to the inspection of such representatives of the two Commonwealths as may be duly constituted for that purpose. The Commission shall submit annually and at other times as required such reports as may be required by the laws of each Commonwealth or by the Governor thereof.

“ARTICLE VI.

“The cost of acquiring land and other property required in the development and operation of the Breaks Interstate Park and constructing, maintaining and operating improvements and facilities therein and equipping same may be defrayed by funds received from appropriations, gifts, the use of money received as fees or charges for the use of said park and facilities, or by the issuance of revenue bonds, or by a combination of such sources of funds. The commission may charge for admission to said park, or make other charges deemed appropriate by it and shall have the use of funds so received for park purposes. The commission is authorized to issue revenue bonds, which shall not be obligations of either state, pursuant to procedures which shall be in substantial compliance with the provisions of laws of either or both states governing the issuance of revenue bonds by governmental agencies.

“ARTICLE VII.

“All money, securities and other property, real and personal, received by way of gift or otherwise or revenue received from its operations may be retained by the commission and used for the development, maintenance and operation of the Park or for other Park purposes.

“The commission shall not pledge the credit of either Commonwealth except by and with the authority of the General Assembly thereof.

"ARTICLE VIII.

"This compact may be amended from time to time by the concurrent action of the two Commonwealths parties hereto."

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

Approved July 27, 1954.

Public Law 544

CHAPTER 589

AN ACT

To provide for the development of the Priest Rapids site on the Columbia River, Washington, under a license issued pursuant to the Federal Power Act.

July 27, 1954
[H. R. 7664]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Flood Control Act of 1950 (64 Stat. 170, 179), insofar as it adopted and authorized to be prosecuted the Priest Rapids Dam on the Columbia River, Washington, substantially in accordance with the plans recommended in the report of the Chief of Engineers dated June 28, 1949, contained in House Document Numbered 531, Eighty-first Congress, second session, is hereby modified to permit the development of the Priest Rapids site by Public Utility District Number 2, of Grant County, Washington, or such district or its successor in combination with such other utilities as it may legally affiliate with or by any division, subdivision, agency, or commission of the State of Washington under and in accordance with the terms and conditions of a license duly issued pursuant to the Federal Power Act and in accordance with this Act.

Priest Rapids
Dam, Wash.

SEC. 2. The Priest Rapids Reservoir site shall be developed to utilize the optimum capabilities of the site as a part of the comprehensive plan for economically feasible control and utilization of the water resources for flood control, navigation, power, and other beneficial purposes. Before a license is issued, an applicant for a license shall submit a report on the details of its plans for development to the Federal Power Commission with particular reference to the integration of the proposed Priest Rapids development as a part of the comprehensive plan.

41 Stat. 1063;
49 Stat. 863,
16 USC 791a.
FPC license
application.

SEC. 3. The Department of the Army shall review any plans submitted to the Federal Power Commission for the purpose of acquiring a license to develop the Priest Rapids site or any other site in connection therewith and shall make recommendations with respect to such plans to the Commission with particular regard to flood control and navigation.

Review of plans.

SEC. 4. The license may provide for the addition of navigation locks and flood-control features by the Department of the Army at Federal expense, either as a part of the initial construction or at a later date. In the event that nonpower features are to be provided as part of the initial construction, an allocation of costs to such features shall be approved by the Federal Power Commission taking into consideration recommendations by the Department of the Army and licensee, and funds to cover such costs may be appropriated and may be transferred by the Chief of Engineers to the licensee. If such navigation and flood-control facilities are not provided initially the licensee shall provide at its own expense the basic features for future installation of navigation and flood-control facilities.

Navigation and
flood control fa-
cilities.

SEC. 5. Upon request by the licensee the Corps of Engineers under direction of the Secretary of the Army shall be authorized to receive contributed funds and act as constructing agency for part or all of the

Constructing
agency, etc.

project, including acquisition of lands, easements, rights-of-way, or other interest in land in accordance with Federal laws and procedures governing flood-control projects and subsequent conveyance thereof to the licensee.

Rules and regulations.

SEC. 6. The operation and maintenance of a project under license pursuant to this Act shall be subject to reasonable rules and regulations by the Secretary of the Army in the interest of flood control and navigation. To assure that there shall be no discrimination between States in the area served by the project, such license shall provide that the licensee shall offer a reasonable portion of the power capacity and a reasonable portion of the power output of the project for sale within the economic market area in neighboring States and shall cooperate with agencies in such States to insure compliance with this requirement: *Provided*, That in the event of disagreement between the licensee and the power marketing agencies (public or private) in any of the other States within the economic market area, the Federal Power Commission may determine and fix the applicable portion of power capacity and power output to be made available hereunder and the terms applicable thereto. Power surplus to the requirements of the licensee and other non-Federal marketing agencies (public or private) within the economic marketing area, as may be economically usable to the Federal system, may be made available to and may be purchased by the Bonneville Power Administrator at rates not higher than the rates charged such non-Federal marketing agencies, and under such terms and conditions as shall be mutually agreeable to the licensee and the Secretary of the Interior. Such power may be co-mingled with power from Federal dams in the Columbia River system for which the Bonneville Power Administrator has been designated marketing agent and shall be sold by the Administrator in accordance with the provisions of the Bonneville Project Act at established rate schedules.

Power marketing agency disagreement.
FPC determination.

Power surplus.
Bonneville Project.

50 Stat. 731.
16 USC 832-832f.
Effectivity.
16 USC 791a.

64 Stat. 179.

SEC. 7. If an application for a preliminary permit for a license under the Federal Power Act to authorize the development of the Priest Rapids site is not prosecuted with reasonable diligence before the Federal Power Commission and in any event if the license application is not filed with the Federal Power Commission prior to the date which is two years after the date of the enactment of this Act, the provisions of this Act shall not be effective after such date and the authorization for the development of the Priest Rapids site contained in the Flood Control Act of 1950 shall have the same status it would have had if this Act had not been enacted. In the event an application for a license is made and denied by the Federal Power Commission, or if construction under a license is not carried out in a reasonable period of time as determined by the Federal Power Commission, the authorization in the Flood Control Act of 1950 will have the same status it would have had if this Act had not been enacted. Notwithstanding any other provision of law, the Federal Power Commission shall act, on any such application filed with it prior to such date, within one year after the date on which such application is filed.

Approved July 27, 1954.

Public Law 545

CHAPTER 591

AN ACT

July 28, 1954
[S. 2367]

To amend the Act of June 29, 1935 (the Bankhead-Jones Act), as amended, to strengthen the conduct of research of the Department of Agriculture.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June

29, 1935 (the Bankhead-Jones Act), as amended (7 U. S. C. 427-427j), is amended by adding at the end of section 10 thereof the following:

60 Stat. 1085.
7 USC 427i.

"(e) Appropriations for research work in the Department of Agriculture shall be available for accomplishing such purposes by contract through the means provided in subsection (a) hereof."

Approved July 28, 1954.

Public Law 546

CHAPTER 592

AN ACT

To provide for the conveyance of certain lands by the United States to the city of Muskogee, Oklahoma.

July 28, 1954
[H. R. 8983]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to convey by quitclaim deed to the city of Muskogee, Oklahoma, all the right, title, and interest of the United States in and to a tract of land containing approximately five and four-tenths acres, together with all buildings and improvements thereon, being a portion of the Veterans' Administration hospital reservation situate in Muskogee County, State of Oklahoma, likewise being a portion of certain lands conveyed to the United States by the city of Muskogee, Oklahoma, by warranty deed dated March 17, 1945, recorded in the office of the clerk of Muskogee County on June 23, 1945, in book 839, pages 432 to 434, the exact courses and distances of the perimeter of which shall be determined and approved by the Administrator of Veterans' Affairs. The city of Muskogee shall pay the cost of surveys as may be required by the Administrator of Veterans' Affairs in determining the required legal description.

Muskogee, Okla.
Conveyance.

Survey cost.

SEC. 2. There shall be reserved to the United States all minerals, including oil and gas, in the lands authorized for conveyance by section 1, and the deed of conveyance shall contain such additional terms, conditions, reservations, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interests of the United States.

Mineral reservation, etc.

SEC. 3. The deed of conveyance shall provide that the tract of land authorized to be conveyed by section 1 of this Act shall be used by the city of Muskogee, Oklahoma, for such purposes as will not, in the judgment of the Administrator of Veterans' Affairs or his designate, interfere with the care and treatment of patients in the Veterans' Administration Hospital, Muskogee, Oklahoma, and that if such provision is violated, title to the tract shall revert to the United States.

Use.

Approved July 28, 1954.

Public Law 547

CHAPTER 593

AN ACT

To authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.

July 28, 1954
[H. R. 5731]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the

De Luz Dam,
Calif.
Construction,
etc.
43 USC 371 note.

provisions of this Act, is authorized to construct, operate, and maintain such dam and other facilities as may be required to make available for irrigation, municipal, domestic, military, and other uses the yield of the reservoir created by De Luz Dam to be located immediately below the confluence of De Luz Creek with Santa Margarita River on Camp Joseph H. Pendleton, San Diego County, California, for the Fallbrook Public Utility District and such other users as herein provided. The authority of the Secretary to construct said facilities is contingent upon a determination by him that—

Fallbrook Public Utility District repayment contract,
53 Stat. 1193.
43 USC 485h.

(a) the Fallbrook Public Utility District shall have entered into a contract under subsection (d), section 9, of the Reclamation Project Act of 1939 undertaking to repay to the United States of America appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining such dam and other facilities, together with interest as hereinafter provided; and under no circumstances shall the Department of the Navy be subject to any charges or costs except on the basis of its proportional use, if any, of such dam and other facilities, as determined pursuant to section 2 (b) of this Act;

California permits.

(b) the officer or agency of the State of California authorized by law to grant permits for the appropriation of water shall have granted such permits to the United States of America and shall have granted permits to the Fallbrook Public Utility District for rights to the use of water for storage and diversion as provided in this Act; including, as to the Fallbrook Public Utility District, approval of all requisite changes in points of diversion and storage, and purposes and places of use;

Claim against U. S.

(c) the Fallbrook Public Utility District shall have agreed that it will not assert against the United States of America any prior appropriative right it may have to water in excess of that quantity deliverable to it under the provisions of this Act, and will share in the use of the waters impounded by the De Luz Dam on the basis of equal priority and in accordance with the ratio prescribed in section 3 (a) of this Act; this agreement and waiver and the changes in points of diversion and storage, required by the preceding paragraph, shall become effective and binding only when the dam and other facilities herein provided for shall have been completed and put into operation: *Provided, however,* That the enactment of this legislation does not constitute a recognition of, or an admission that, the Fallbrook Public Utility District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California; and

Equal priority in use of waters.

Feasibility.

(d) the De Luz Dam and other facilities herein authorized have economic and engineering feasibility.

Water rights.

SEC. 2. (a) In the interest of comity between the United States of America and the State of California and consistent with the historic policy of the United States of America of Federal noninterference with State water law, the Secretary of the Navy shall promptly comply with the procedures for the acquisition of appropriative water rights required under the laws of the State of California as soon as he is satisfied, with the advice of the Attorney General of the United States, that such action will not adversely affect the rights of the United States of America under the laws of the State of California.

Navy Department charges.

(b) The Department of the Navy will not be subject to any charges or costs in connection with the De Luz Dam or its facilities; except upon completion and then shall be charged in reasonable proportion to its use of the facilities under regulations agreed upon by the Secretary of the Navy and Secretary of the Interior.

SEC. 3. (a) The operation of the dam and other facilities herein provided shall be by the Secretary of the Interior, under regulations satisfactory to the Secretary of the Navy with respect to the Navy's share of the impounded water and national security. In that operation, 60 per centum of the water impounded by De Luz Dam is hereby allotted to the Secretary of the Navy; 40 per centum of the water impounded by De Luz Dam is hereby allotted to the Fallbrook Public Utility District. The Department of the Navy and the Fallbrook Public Utility District will participate in the water impounded by De Luz Dam on the basis of equal priority and in accordance with the ratio prescribed in the preceding sentence: *Provided, however*, That at any time the Secretary of the Navy certifies that he does not have immediate need for any portion of the aforesaid 60 per centum of the water, the official agreed upon to administer the dam and facilities is empowered to enter into temporary contracts for the delivery of water subject, however, to the first right of the Secretary of the Navy to demand that water without charge and without obligation on the part of the United States of America upon thirty days' notice as set forth in any such contract with the approval of the Secretary of the Navy: *Provided, further*, That all moneys paid in to the United States of America under any such contract shall be covered into the general fund of the Treasury, and shall not be applied against the indebtedness of the Fallbrook Public Utility District to the United States of America. In making any such temporary contracts for water not immediately needed by the Navy, the first right thereto, if otherwise consistent with the laws of the State of California, shall be given the Fallbrook Public Utility District.

Dam operation,
etc.

Water allotment.

Temporary con-
tracts.

(b) The general repayment obligation of the Fallbrook Public Utility District (which shall include interest on the unamortized balance of construction costs of the project allocated to municipal and domestic waters at a rate equal to the average rate, which rate shall be certified by the Secretary of the Treasury, on the long-term loans of the United States outstanding on the date of this Act) to be undertaken pursuant to section 1 of this Act shall be spread in annual installments, which need not be equal, over a period of not more than fifty-six years, exclusive of a development period, or as near thereto as is consistent with the operation of a formula, mutually agreeable to the parties, under which the payments are varied in the light of factors pertinent to the irrigators' ability to pay. The development period shall begin in the year in which water for use by the district is first available, as announced by the Secretary, and shall end in the year in which the conservation storage space in De Luz Reservoir first fills but shall, in no event, exceed seventeen years. During the development period water shall be delivered to the district under annual water rental notices at rates fixed by the Secretary and payable in advance, and any moneys collected in excess of operation and maintenance costs shall be credited to repayment of the capital costs chargeable to the district and the repayment period fixed herein shall be reduced proportionately. The Secretary may transfer to the district the care, operation, and maintenance of the facilities constructed by him under conditions satisfactory to him and to the district and, with respect to such of the facilities as are located within the boundaries of Camp Pendleton, satisfactory also to the Secretary of the Navy.

Repayment obli-
gation.

(c) For the purposes of this Act the basis, measure, and limit of all rights of the United States of America pertaining to the use of water shall be the laws of the State of California: *Provided*, That nothing in this Act shall be construed as a grant or a relinquishment by the United States of America of any of its rights to the use of water which it acquired according to the laws of the State of California

U. S. rights under
California law.

either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of said acquisition, or through actual use or prescription or both since the date of that acquisition, if any, or to create any legal obligation to store any water in De Luz Reservoir, to the use of which it has such rights, or to require the division under this Act of water to which it has such rights.

(d) Unless otherwise agreed by the Secretary of the Navy, De Luz Dam as herein provided shall at all times be operated in a manner which will permit the free passage of all of the water to the use of which the United States of America is entitled according to the laws of the State of California either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of said acquisitions, or through actual use or prescription or both since the date of that acquisition, if any, and will not be administered or operated in any way which will impair or deplete the quantities of water to the use of which the United States of America would be entitled under the laws of the State of California had that structure not been built.

Water delivery
regulations.

SEC. 4. After the construction of the De Luz Dam, the official operating the reservoir shall deliver water to the Fallbrook Public Utility District, pursuant to regulations issued by the Secretary of the Interior, as follows:

(1) One thousand eight hundred acre-feet in any year until the reservoir attains an active content of sixty-three thousand acre-feet;

(2) Not in excess of four thousand eight hundred acre-feet in any year after the reservoir attains an active content of sixty-three thousand acre-feet and until said reservoir attains an active content of ninety-eight thousand acre-feet; and

(3) Not in excess of eight thousand acre-feet in any year after the reservoir attains an active content of ninety-eight thousand acre-feet and until the conservation storage space of the reservoir has been filled.

Flood control.

33 USC 709.

SEC. 5. The Secretary of the Army through the Chief of Engineers, acting in accordance with section 7 of the Flood Control Act of 1944 (58 Stat. 887) is authorized to utilize for purposes of flood control such portion of the capacity of De Luz Reservoir as may be available therefor.

Santa Margarita
River project.
Appropriation.

SEC. 6. There are hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, \$22,636,000, the current estimated construction cost of the Santa Margarita River project, plus or minus such amounts as may be indicated by the engineering cost indices for this type of construction, and, in addition thereto, such sums as may be required to operate and maintain the said project.

Reports to Con-
gress.

SEC. 7. From time to time the Attorney General, the Secretary of the Interior, and the Secretary of the Navy shall report to the Congress concerning the conditions specified in section 1 of this Act, and the first report thereon shall be submitted to the Congress no later than one year from the date of enactment of this Act.

Approved July 28, 1954.

Public Law 548

CHAPTER 613

July 29, 1954
[H. R. 8571]

AN ACT

To authorize the construction of naval vessels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the

United States of America in Congress assembled, That the President is authorized to undertake the construction of, or to acquire and convert, not to exceed sixteen thousand tons of modern naval vessels in the combatant category, divided into the following subcategories:

Naval vessels.
Construction,
etc.

- (a) Mine warfare vessels, four thousand tons; and
- (b) Patrol vessels, twelve thousand tons.

To the extent that any ships authorized under this Act are constructed in private shipyards, such contract shall be awarded to the lowest responsible bidder insofar as national security requirements will permit and such award is practical, and is not inconsistent with the provisions of the Armed Services Procurement Act of 1947 or the Act of March 27, 1934 (ch. 95, 48 Stat. 503), as amended.

34 USC 494-497.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary for the construction, or for the acquisition and conversion, of the foregoing vessels.

Appropriation.

SEC. 3. The Act of August 8, 1950 (64 Stat. 420), is hereby amended by deleting "\$350,000,000" and inserting in lieu thereof "\$450,000,000".

34 USC 498m.

Approved July 29, 1954.

Public Law 549

CHAPTER 614

AN ACT

To reenact the authority for the appointment of certain officers of the Regular Navy and Marine Corps.

July 29, 1954
[H. R. 6725]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 5 (a) and 5 (c) of the Act of April 18, 1946 (60 Stat. 92), as amended (34 U. S. C. 15), are hereby reenacted and amended so as to extend the authority granted therein to July 1, 1955, and by deleting in the first sentence of section 5 (a) the words "in the Regular Navy and Marine Corps, respectively." and inserting in lieu thereof the words "not above lieutenant in the Regular Navy and captain in the Regular Marine Corps,".

Navy and Marine
Corps.
Appointment of
officers.
Time extension.

SEC. 2. A person permanently appointed in the Regular Navy or Regular Marine Corps, under the authority of this Act, may also be temporarily appointed to a higher grade appropriate to the lineal position assigned, and such temporary appointment shall be regarded as having been effected pursuant to the law under which officers of the Regular Navy and Regular Marine Corps having comparable lineal position were temporarily appointed to such higher grade.

Temporary
grade.

Approved July 29, 1954.

Public Law 550

CHAPTER 615

AN ACT

Authorizing the Administrator of Veterans' Affairs to convey certain property to the Armory Board, State of Utah.

July 29, 1954
[S. 3561]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to convey, without monetary consideration and subject to the conditions in section 2 of this Act, to the Armory Board, State of Utah, all right, title, and interest of the United States in and to a tract of thirty-five acres of land, more or less, situated in the western end of the Veterans'

Armory Board,
Utah.

Conveyance.

Administration hospital reservation, Fort Douglas Station, Salt Lake City, Utah, the exact legal description of which shall be determined by the Administrator of Veterans' Affairs.

Conditions.

SEC. 2. The deed of conveyance authorized under the provisions of this Act shall—

(a) provide that such tract shall not be alienated in the whole or in part by the Armory Board and shall be used only for training, civic, and related purposes;

(b) provide that, if such tract is so used in any manner that, in the judgment of the Administrator of Veterans' Affairs or his designate, interferes with the care and treatment of patients in the Veterans' Administration hospital located on land contiguous to such tract, such interference shall cease immediately upon notice thereof to the Armory Board by the Administrator or his designate;

(c) provide that, if either of the conditions prescribed in clauses (a) and (b) of this section are violated, title to such tract shall revert to the United States; and

(d) shall reserve all mineral rights, including gas and oil, to the United States, and contain such additional terms, conditions, reservations, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interests of the United States.

Approved July 29, 1954.

Public Law 551

CHAPTER 616

AN ACT

July 29, 1954
[H. R. 8026]

To provide for transfer of title to movable property to irrigation districts or water users' organizations under the Federal reclamation laws.

Irrigation works.
Movable property title.
43 USC 371 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever an irrigation district or water users' organization assumes operation and maintenance of irrigation works pursuant to a contract entered into with the United States in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior may transfer to said district or organization title to movable property which has been purchased with funds advanced by the district or organization or which, in the case of property purchased with appropriated funds, is necessary to the operation and maintenance of such works and the value of which is to be repaid under a contract with the district or organization.

Approved July 29, 1954.

Public Law 552

CHAPTER 617

AN ACT

July 29, 1954
[H. R. 130]

To amend the Act approved June 27, 1947 (61 Stat. 189).

Navajo Indian
Reservation,
N. Mex.
Helium-bearing
land rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act approved June 27, 1947 (61 Stat. 189), entitled "An Act authorizing certain agreements with respect to rights in helium-bearing gas lands in the Navajo Indian Reservation, New Mexico, and for other purposes", be and the same is hereby amended to read as follows:

"That the Secretary of the Interior, acting through the Bureau of Mines, and the Navajo Tribe of Indians are authorized to enter into an agreement dated December 1, 1945, entitled 'An agreement severing certain formations from oil and gas leases and substituting new leases as to those formations' and an 'Amending agreement', affecting lands in the Navajo Indian Reservation, New Mexico, copies of which are published in House of Representatives Document Numbered 212, Eightieth Congress, first session; and said agreements are ratified and approved. If said Navajo Tribe of Indians shall, after investigation, deem the total consideration payable to it by the United States pursuant to such agreement dated December 1, 1945, as amended, to be in any respect less than reasonable, fair, just, and equitable, said tribe shall be entitled within three years after the date of enactment of this Act to institute suit against the United States in the Court of Claims for the recovery of such additional sum, if any, as may be necessary to compensate said tribe for the reasonable, fair, just, and equitable value of all right, interest, and property passing from said tribe to the United States under such agreement, as amended. Jurisdiction is hereby conferred upon the Court of Claims to hear and determine any suit so instituted and to enter final judgment against the United States therein for such sum, if any, in excess of the total consideration payable pursuant to such agreement, as amended, as such court may determine to be necessary to provide consideration in all respects reasonable, fair, just, and equitable: *Provided*, That interest shall be allowed on such sum at the rate of 4 per centum per annum from October 20, 1947, to the date of payment and no offsets shall be deducted by the court from any sum determined by the court to be a reasonable, fair, just, and equitable consideration for the right, interest, and property passing to the United States under and pursuant to said agreement of December 1, 1945, as amended, and the interest thereon: *Provided further*, That the foregoing provision relating to interest and offsets shall not extend to any other claim or claims asserted in any such suit, whether or not the same arise out of the subject matter of said agreement, but such other claim or claims, if any, shall be governed by the law relating to actions brought pursuant to title 28, United States Code, section 1505. Appellate review of any judgment so entered shall be in the same manner, and subject to the same limitations, as in the case of claims over which the Court of Claims has jurisdiction under section 1491 of title 28, United States Code. Notwithstanding any contract to the contrary, not more than 10 per centum of the amount received or recovered by said tribe in satisfaction of any claim asserted under this section shall be paid to or received by any agent or attorney on account of services rendered in connection with such claim."

SEC. 2. Said Act approved June 27, 1947 (61 Stat. 189), is hereby further amended by adding at the end thereof a new section to be designated section 3 and to read as follows:

"SEC. 3. Jurisdiction is hereby conferred on the Court of Claims to determine, notwithstanding any statute of limitations or laches, in any suit instituted pursuant to section 1 of this Act, (1) whether the assignment dated December 1, 1942, accepted and approved December 17, 1942, of oil and gas lease 149-ind-5337, covering the lands denominated '1942 lands' in section 4 of said agreement dated December 1, 1945, as amended, should in law or in equity, taking into consideration such fiduciary relationship as may exist between the United States and the Navajo Tribe, have been accepted by the United States for the account of the Navajo Tribe instead of for its own account, and, if such assignment should have been so accepted, whether the property interest or any part thereof covered by such assignment

Agreement.

Suit for recovery
of additional sum.

Jurisdiction.

Interest.

63 Stat. 102.

62 Stat. 940.

Court of Claims.
Jurisdiction.

was taken by the United States from the said tribe at any time prior to the effective date of said agreement; (2) whether, and in what amount, if any, the Navajo Tribe is entitled on the basis of such determination to compensation for the acquisition or taking, by the United States, of the property interest or any part thereof covered by such assignment; and (3) whether, and in what amount, if any, the United States is entitled to credit against such compensation for rentals on such lease or for other expenditures, borne by the United States, for the benefit of such lease prior to any such acquisition or taking by the United States; and to enter judgment in accordance with such determinations. No offsets shall be deducted by the court from any net sum, and the interest thereon, if any, that the court awards under this section. The provisions of the last two sentences of section 1 of this Act shall be applicable to any judgment entered pursuant to this section."

Approved July 29, 1954.

Public Law 553

CHAPTER 642

JOINT RESOLUTION

July 29, 1954
[H. J. Res. 534]

To authorize the Secretary of Commerce to sell certain war-built passenger-cargo vessels, and for other purposes.

War built ves-
sels, etc.
Sale to American
President Lines,
Ltd.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Commerce is hereby authorized, during a period of six months after the enactment of this Act, to sell to American President Lines, Limited, the war-built passenger-cargo vessels, the steamship President Cleveland and the steamship President Wilson, on an as-is where-is basis, at the sales price of \$6,500,000 per vessel and from such price there shall be subtracted, as depreciation, \$1,225 per day per vessel for the period beginning April 1, 1954, and ending with date of execution of the contract of sale of the respective vessel. Each such sale shall be on the basis of the payment of not less than 25 per centum of the respective vessel sales price at the time of the execution of such vessel sales contract, with balance payable in approximately equal annual installments over the remainder of the twenty-year economic life of the vessel with interest on the portion of the vessel sales price remaining unpaid at the rate of 3½ per centum per annum. The obligation of the purchaser with respect to payment of such unpaid balance, with interest, shall be secured by a preferred mortgage on the vessel sold, which mortgage may provide that the sole recourse against the purchaser of the vessel under such mortgage, and any of the notes secured thereby, shall be limited to repossession of the vessel by the United States and the assignment of insurance claims, if the purchaser shall have complied with all provisions of the mortgage other than those relating to the payment of principal and interest when due, and the obligation of the purchaser shall be satisfied and discharged by the surrender of the vessel, and all right, title, and interest therein to the United States. Such vessel upon surrender shall be (1) free and clear of all liens and encumbrances whatsoever, except the lien of the preferred mortgage, (2) in class, and (3) in as good order and condition, ordinary wear and tear excepted, as when acquired by the purchaser, except that any deficiencies with respect to freedom from encumbrances, condition, and class, may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the United States of claims of the purchaser under such policies of insurance.

(b) Any contract of sale executed under authority of this Act shall provide that in the event the United States shall, through purchase or requisition, acquire ownership of such vessels or vessel, the owner shall be paid therefor the value thereof, but in no event shall such payment exceed the actual depreciated sales price under such contract (together with the actual depreciated cost of capital improvements thereon), or the fair and reasonable scrap value of such vessel, as determined by the Maritime Administrator, whichever is the greater; that such determination shall be final; that in computing the depreciated acquisition cost of such vessel, the depreciation shall be computed on the vessels on the schedule adopted by the Internal Revenue Service for income tax purposes as applicable to each such vessel; that each such vessel shall remain documented under the laws of the United States during the remainder of the twenty-year economic life of the vessel or as long as there remains due the United States any principal or interest on account of the sales price, whichever is the longer period; and that the foregoing provisions respecting the requisition or the acquisition of ownership by the United States, and documentation shall run with the title to each such vessel and be binding on all owners thereof.

Approved July 29, 1954.

Requisition or
acquisition by
U. S.

Public Law 554

CHAPTER 643

AN ACT

To amend the Agricultural Act of 1949.

July 29, 1954
[S. 1381]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following: "Nor shall the foregoing restrictions apply to sales of commodities the disposition of which is desirable in the interest of the effective and efficient conduct of the Corporation's operations because of the small quantities involved, or because of age, location or questionable continued storability, but such sales shall be offset by such purchases of commodities as the Corporation determines are necessary to prevent such sales from substantially impairing any price-support program, but in no event shall the purchase price exceed the then current support price for such commodities."

Approved July 29, 1954.

Farm commodi-
ties, sale.
63 Stat. 1055.
7 USC 1427.

Public Law 555

CHAPTER 644

AN ACT

To amend the Mineral Leasing Act of February 25, 1920, as amended.

July 29, 1954
[S. 2380]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 25, 1920, as amended (30 U. S. C. 226), is further amended as follows:

(1) Strike out the second paragraph of section 17 and insert the following language in lieu thereof:

"Any lease issued under this Act which is subject to termination by reason of cessation of production shall not terminate if within sixty days after production ceases, reworking or drilling operations are commenced on the land under lease and are thereafter conducted with

Oil or gas lands.
Leases.

60 Stat. 951.

Status during
nonproduction
period.

reasonable diligence during such period of nonproduction. No lease issued under the provisions of this Act shall expire because operations or production is suspended under any order, or with the consent, of the Secretary of the Interior. No lease issued under the provisions of this Act covering lands on which there is a well capable of producing oil or gas in paying quantities shall expire because the lessee fails to produce the same, unless the lessee is allowed a reasonable time, but not less than sixty days after notice by registered mail, within which to place such well on a producing status: *Provided*, That after such status is established production shall continue on the leased premises unless and until suspension of production is allowed by the Secretary of the Interior under the provisions of this Act."

(2) Strike out the third paragraph of section 17 and insert in lieu thereof:

Single extension
of noncompetitive
lease.

Withdrawals.

Extension.

Application.

"Upon the expiration of the initial five-year term of any noncompetitive lease maintained in accordance with applicable statutory requirements and regulations, the record titleholder thereof shall be entitled to a single extension of the lease, unless then otherwise provided by law, for such lands covered by it as are not on the expiration date of the lease withdrawn from leasing under this section. A withdrawal, however, shall not affect the right to an extension if actual drilling operations on such lands were commenced prior to such withdrawal becoming effective and were being diligently prosecuted on such expiration date. No withdrawal shall be effective within the meaning of this section until ninety days after notice thereof shall be sent by registered mail, to each lessee to be affected by such withdrawal. A noncompetitive lease, as to lands not within the known geologic structure of a producing oil or gas field, shall be extended for a period of five years and so long thereafter as oil or gas is produced in paying quantities. A noncompetitive lease, as to lands within the known geologic structure of a producing oil or gas field, shall be extended for a period of two years and so long thereafter as oil or gas is produced in paying quantities. Any noncompetitive lease extended under this paragraph shall be subject to the rules and regulations in force at the expiration of the initial five-year term of the lease. No extension shall be granted, however, unless within a period of ninety days prior to such expiration date an application therefor is filed by the record titleholder or an assignee whose assignment has been filed for approval, or an operator whose operating agreement has been filed for approval."

(3) Strike out the fifth paragraph of section 17 and insert the following language in lieu thereof:

Drainage com-
pensation.

Report to Con-
gress.

"Whenever it appears to the Secretary of the Interior that lands owned by the United States are being drained of oil or gas by wells drilled on adjacent lands, he is hereby authorized and empowered to negotiate agreements whereby the United States, or the United States and its lessees, shall be compensated for such drainage, such agreements to be made with the consent of the lessees affected thereby, and the primary term including any extensions thereof of any lease for which compensatory royalty is being paid shall be extended for the period during which such compensatory royalty is paid and for a period of one year from discontinuance of such payment and so long thereafter as oil or gas is produced in paying quantities: *Provided*, That the Secretary of the Interior shall report to Congress at the beginning of each regular session, all such agreements entered into during the previous year which involve unleased Government lands."

(4) Strike out the second sentence of the fourth paragraph of section 17 (b) and insert in lieu thereof the following language: "Any other lease issued under any section of this Act which has heretofore or may hereafter be committed to any such plan that contains a general provision for allocation of oil or gas, shall continue in force and effect as to the land committed, so long as the lease remains subject to the plan: *Provided*, That production is had in paying quantities under the plan prior to the expiration date of the term of such lease. Any lease hereafter committed to any such plan embracing lands that are in part within and in part outside of the area covered by any such plan shall be segregated into separate leases as to the lands committed and the lands not committed as of the effective date of unitization: *Provided, however*, That any such lease as to the non-unitized portion shall continue in force and effect for the term thereof but for not less than two years from the date of such segregation and so long thereafter as oil or gas is produced in paying quantities."

60 Stat. 953.
30 USC 226e.
Unit plan leases.
Continuation.

Nonunitized portion.

(5) Strike out the words "and regardless of acreage limitations provided for in this Act" in the fifth paragraph of section 17 (b) and insert the following sentence at the end of that paragraph: "All leases operated under such approved operating, drilling, or development contracts, and interests thereunder, shall be excepted in determining holdings or control under the provisions of any section of this Act."

Special contracts.
Extension of rights.

(6) Strike out the last sentence of section 30 (a) and insert the following in lieu thereof: "Assignments under this section may also be made of parts of leases which are in their extended term because of any provision of this Act. The segregated lease of any undeveloped lands shall continue in full force and effect for two years and so long thereafter as oil or gas is produced in paying quantities."

60 Stat. 955.
30 USC 187a.
Assignment of parts of leases.

(7) Insert the following sentence immediately after the second paragraph of section 31: "Notwithstanding the provisions of this section, however, upon failure of a lessee to pay rental on or before the anniversary date of the lease, for any lease on which there is no well capable of producing oil or gas in paying quantities, the lease shall automatically terminate by operation of law: *Provided, however*, That when the time for payment falls upon any day in which the proper office for payment is not open, payment may be received the next official working day and shall be considered as timely made."

60 Stat. 956.
30 USC 188.
Defaults in rental payments.

Approved July 29, 1954.

Public Law 556

CHAPTER 645

AN ACT

To permit the city of Philadelphia to further develop the Hog Island tract as an air, rail, and marine terminal by directing the Secretary of Commerce to release the city of Philadelphia from the fulfillment of certain conditions contained in the existing deed which restrict further development.

July 29, 1954
[S. 3630]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to release the city of Philadelphia from the fulfillment of any and all conditions for the benefit of the United States set forth in a deed of the United States, acting through the United States Shipping Board, dated the 23d day of July 1930, relating to a tract of land, known as Hog Island, situated partly in the township of Tinicum in the county of Delaware and State of

Philadelphia,
Pa.
Development of
Hog Island tract.

Pennsylvania and partly in the Fortieth Ward of the city of Philadelphia, comprising nine hundred and fifty-one acres more or less; and to execute in proper form a full and complete release and discharge of the yearly ground rent reserved to the United States under and pursuant to said deed, and relieving the city of Philadelphia from the fulfillment of any and all covenants, conditions and trusts for the benefit of the United States set forth in said deed.

Conditions.

SEC. 2. The execution of the aforesaid release shall be made without consideration therefor and upon condition that the aforesaid tract shall be held, used and developed as and for an air, rail, and marine terminal for the promotion and furtherance of the interstate and foreign commerce of the United States, and for industrial purposes related thereto: *Provided*, That the premises shall not be disposed of by the city of Philadelphia by conveyance or sale, except in furtherance of the public purposes herein set forth. The release shall contain a further provision that whenever the Congress of the United States shall declare a state of war or other national emergency the United States shall have the right to enter upon the premises and use the same or any part thereof owned by the city of Philadelphia for a period not to exceed the duration of such state of war or national emergency plus six months, and upon cessation of such use said premises shall revert to the city of Philadelphia: *Provided however*, That the United States shall be responsible during the period of such use for the maintenance of all of the property so used, and shall pay a fair rental for the use of any structures or other improvements which have been added thereto, said rental to include all debt service charges or other obligations arising out of the financing of all structures or improvements on the aforesaid premises.

Approved July 29, 1954.

Public Law 557

CHAPTER 646

AN ACT

July 29, 1954
[S. 2766]

To amend section 7 (d) of the Internal Security Act of 1950, as amended.

Communist or
organization regis-
tration.
64 Stat. 993.
P r i n t i n g
presses, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 (d) of the Internal Security Act of 1950, as amended (50 U. S. C. 786 (d)), is amended by adding after paragraph (5) the following:

“(6) A listing, in such form and detail as the Attorney General shall by regulation prescribe, of all printing presses and machines including but not limited to rotary presses, flatbed cylinder presses, platen presses, lithographs, offsets, photo-offsets, mimeograph machines, multigraph machines, multilith machines, duplicating machines, ditto machines, linotype machines, intertype machines, monotype machines, and all other types of printing presses, typesetting machines or any mechanical devices used or intended to be used, or capable of being used to produce or publish printed matter or material, which are in the possession, custody, ownership, or control of the Communist-action or Communist-front organization or its officers, members, affiliates, associates, group, or groups in which the Communist-action or Communist-front organization, its officers or members have an interest.”

Approved July 29, 1954.

Public Law 558

CHAPTER 647

JOINT RESOLUTION

To strengthen the foreign relations of the United States by establishing a Commission on Governmental Use of International Telecommunications.

July 29, 1954
[S. J. Res. 96]

Whereas the overseas information program as carried on through the media of telecommunications is of continuing and increasing importance in carrying out and supporting the foreign policies of the United States; and

Whereas in his State of the Union message, February 2, 1953, the President asserted the necessity "to make more effective all activities related to international information": Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a commission to be known as the Commission on Governmental Use of International Telecommunications (in this Act referred to as the "Commission").

Commission on
Governmental Use
of International
Telecommunications.

MEMBERSHIP OF THE COMMISSION

SEC. 2. NUMBER AND APPOINTMENT.—The Commission shall be composed of nine members as follows:

(1) Five appointed by the President of the United States, of whom at least one shall be appointed from the telecommunications industry and at least one from the field of education and of whom not more more than three shall be from the same political party;

(2) Two appointed from the Senate by the President of the Senate of whom not more than one shall be from the same political party; and

(3) Two appointed from the House of Representatives by the Speaker of the House of Representatives of whom not more than one shall be from the same political party.

ORGANIZATION OF THE COMMISSION

SEC. 3. The Commission shall choose its Chairman and Vice Chairman from among its members and shall establish its own procedure.

QUORUM

SEC. 4. Five members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 5. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but without regard to any other provision of law they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission and reasonable advances may be made to them for such purposes.

(b) MEMBERS OF THE EXECUTIVE BRANCH.—Any members of the Commission who may be in the executive branch of the Government shall receive the compensation which he would receive if he were not a member of the Commission, but without regard to any other provision of law they shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of the duties vested in the Commission and reasonable advances may be made to them for such purposes.

(c) **MEMBERS FROM PRIVATE LIFE.**—The members from private life shall receive not to exceed \$75 per diem when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 6. The Commission shall have power to appoint a Secretary General at a salary of not to exceed \$15,000 per annum, and an Assistant Secretary General at a salary of not to exceed \$12,500 per annum, and such other personnel in accordance with the Classification Act of 1949, as amended, or to obtain assistance from Government agencies on a reimbursable basis. The Commission is further authorized to employ experts and consultants for temporary and intermittent personal services, but at rates not to exceed \$75 per diem for each individual. The Commission is authorized without regard to any other provision of law to reimburse employees, experts, and consultants for travel, subsistence, and other necessary expenses incurred by them in the performance of their official duties and to make reasonable advances to such persons for such purposes.

EXPENSES OF THE COMMISSION

SEC. 7. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed \$250,000 to carry out the provisions of this Act.

REPORT—EXPIRATION OF THE COMMISSION

SEC. 8. (a) **REPORT.**—On or before December 31, 1954, the Commission shall make a report of its findings and recommendations to the Congress. It may submit such interim reports as it deems desirable.

(b) **EXPIRATION OF THE COMMISSION.**—Ninety days after the submission to the Congress of the report provided for in subsection (a) of this section 8, the Commission shall cease to exist.

DUTIES OF THE COMMISSION

SEC. 9. The Commission is directed to examine, study, and report on the objectives, operations, and effectiveness of our information programs with respect to the prompt development of techniques, methods, and programs for greatly expanded and far more effective operations in this vital area of foreign policy through the use of foreign telecommunications.

POWERS OF THE COMMISSION

Hearings.

Subpena.

Expenditures.
Fiscal state-
ment and audit.

SEC. 10. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, shall have power to hold hearings and sit and act at such times and places in the United States and abroad, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, as the Commission or such subcommittee or member may deem advisable. Subpenas shall be issued under the signature of the Chairman of the Commission and shall be served by any person designated by him.

(b) The Commission may authorize the Chairman or the Vice Chairman to make the expenditures herein authorized and such other

expenditures as the Commission may deem advisable: *Provided, however*, That when the Commission ceases its activities it shall submit to the Appropriations Committees of the Senate and the House of Representatives a statement of its fiscal transactions properly audited by the Comptroller General of the United States.

(c) The Commission is authorized to secure from any department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission, upon request made by the Chairman or by the Vice Chairman when acting as Chairman. Securing of information.

Approved July 29, 1954.

Public Law 559

CHAPTER 648

AN ACT

To permit all civil actions against the United States for recovery of taxes erroneously or illegally assessed or collected to be brought in the district courts with right of trial by jury.

July 30, 1954
[S. 252]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 1346 (a) of title 28 of the United States Code is amended to read as follows:

District courts' jurisdiction.
62 Stat. 933; 63 Stat. 101.
Tax recovery.

"(1) Any civil action against the United States for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws;"

SEC. 2. (a) Section 2402 of title 28 of the United States Code is amended to read as follows:

62 Stat. 971.

"§ 2402. Jury trial in actions against United States.

"Any action against the United States under section 1346 shall be tried by the court without a jury, except that any action against the United States under section 1346 (a) (1) shall, at the request of either party to such action, be tried by the court with a jury."

(b) The second item in the analysis of chapter 161 of title 28 of the United States Code is amended to read as follows:

"2402. Jury trial in actions against United States."

Approved July 30, 1954.

Public Law 560

CHAPTER 649

AN ACT

August 2, 1954
[H. R. 7839]

To aid in the provision and improvement of housing, the elimination and prevention of slums, and the conservation and development of urban communities.

Housing Act of
1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing Act of 1954".

TITLE I—FEDERAL HOUSING ADMINISTRATION

AMENDMENTS OF TITLE I OF NATIONAL HOUSING ACT

Insurance of fi-
nancial institu-
tions.
48 Stat. 1246.
12 USC 1703.
Improvement and
repair loans.

SEC. 101. (a) Section 2 (a) of the National Housing Act, as amended, is hereby amended—

(1) by striking out the period at the end of the second sentence and by inserting a colon and the following: "*Provided, That with respect to any loan, advance of credit, or purchase made after the effective date of the Housing Act of 1954, the amount of any claim for loss on any such individual loan, advance of credit, or purchase paid by the Commissioner under the provisions of this section to a lending institution shall not exceed 90 per centum of such loss.*"; and

(2) by inserting at the end thereof the following:

Restriction.

"After the effective date of the Housing Act of 1954, (i) the Commissioner shall not enter into contracts for insurance pursuant to this section except with lending institutions which are subject to the inspection and supervision of a governmental agency required by law to make periodic examinations of their books and accounts, and which the Commissioner finds to be qualified by experience or facilities to make and service such loans, advances or purchases, and with such other lending institutions which the Commissioner approves as eligible for insurance pursuant to this section on the basis of their credit and their experience or facilities to make and service such loans, advances or purchases; (ii) only such items as substantially protect or improve the basic livability or utility of properties shall be eligible for financing under this section, and therefore the Commissioner shall from time to time declare ineligible for financing under this section any item, product, alteration, repair, improvement, or class thereof which he determines would not substantially protect or improve the basic livability or utility of such properties, and he may also declare ineligible for financing under this section any item which he determines is especially subject to selling abuses; and (iii) the Commissioner is hereby authorized and directed, by such regulations or procedures as he shall deem advisable, to prevent the use of any financial assistance under this section (1) with respect to new residential structures that have not been completed and occupied for at least six months, or (2) which would, through multiple loans, result in an outstanding aggregate loan balance with respect to the same structure exceeding the dollar amount limitation prescribed in this subsection for the type of loan involved."

Effective date.

(b) As used in the amendments made by subsection (a) of this section "effective date of the Housing Act of 1954" shall mean the first day after the first full calendar month following the date of approval of the Housing Act of 1954.

12 USC 1703.
Title I Claims
Account, termina-
tion.

SEC. 102. Section 2 (f) of said Act, as amended, is hereby amended by adding the following at the end thereof: "The account heretofore established in connection with insurance operations under this section

and identified in the accounting records of the Federal Housing Administration as the Title I Claims Account shall be terminated as of August 1, 1954, at which time all of the remaining assets of such account, together with deposits therein for the account of obligors, shall be transferred to and merged with the account established pursuant to this subsection. Moneys in the account established pursuant to this subsection not needed for the current operations of the Federal Housing Administration may be invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States."

SEC. 103. Section 8 of said Act, as amended, is hereby amended by striking the period at the end of subsection (a) and inserting a colon and the following: "*And provided further*, That no mortgage shall be insured under this section after the effective date of the Housing Act of 1954, except pursuant to a commitment to insure issued on or before such date."

64 Stat. 48.
12 USC 1706c.
Mortgage insurance.
Termination.

AMENDMENTS OF TITLE II OF NATIONAL HOUSING ACT

SEC. 104. Section 203 (b) (2) of said Act, as amended, is hereby amended to read as follows:

Sales housing.
Insurance eligibility.
12 USC 1709.
Principal obligation.

"(2) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Commissioner shall approve) in an amount not to exceed \$20,000 in the case of property upon which there is located a dwelling designed principally (whether or not it may be intended to be rented temporarily for school purposes) for a one- or two-family residence; or \$27,500 in the case of a three-family residence; or \$35,000 in the case of a four-family residence; and not to exceed an amount equal to the sum of (i) 95 per centum (but, in any case where the dwelling is not approved for mortgage insurance prior to the beginning of construction, 90 per centum) of \$9,000 of the appraised value (as of the date the mortgage is accepted for insurance), and (ii) 75 per centum of such value in excess of \$9,000, except that the President may increase such dollar amounts up to not to exceed \$10,000 if, after taking into consideration the general effect of such higher dollar amounts upon conditions in the building industry and upon the national economy, he determines such action to be in the public interest: *Provided*, That if the mortgagor is not the occupant of the property the principal obligation of the mortgage shall not exceed an amount equal to 85 per centum of the amount computed under the foregoing provisions of this paragraph (2): *Provided further*, That the mortgagor shall have paid on account of the property at least 5 per centum (or such larger amount as the Commissioner may determine) of the Commissioner's estimate of the cost of acquisition in cash or its equivalent."

SEC. 105. Section 203 (b) (3) of said Act, as amended, is hereby amended to read as follows:

12 USC 1709.

"(3) Have a maturity satisfactory to the Commissioner, but not to exceed, in any event, thirty years from the date of the insurance of the mortgage or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser."

Maturity.

SEC. 106. Section 203 (b) (5) of said Act, as amended, is hereby amended to read as follows:

12 USC 1709.

"(5) Bear interest (exclusive of premium charges for insurance, and service charges if any) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time, or not to exceed such per centum per annum not in excess of 6 per centum as the Commissioner finds necessary to meet the mortgage market."

Interest.

12 USC 1709.
Debentures.

SEC. 107. Section 203 (c) of said Act, as amended, is amended by striking out of the second sentence the word "*Provided*" and inserting: "*Provided*, That debentures presented in payment of premium charges shall represent obligations of the particular insurance fund to which such premium charges are to be credited: *Provided further*".

12 USC 1709.
Farm mortgages.
Termination.

SEC. 108. Section 203 (d) of said Act, as amended, is hereby amended by striking the period at the end thereof and inserting a colon and the following: "*And provided further*, That no mortgage shall be insured pursuant to this subsection after the effective date of the Housing Act of 1954, except pursuant to a commitment to insure issued on or before such date."

Repeals.

SEC. 109. Subsections (f) and (g) of section 203 of said Act, as amended, are hereby repealed.

12 USC 1709.

SEC. 110. Section 203 of said Act, as amended, is hereby further amended by adding the following new subsections at the end thereof:

Disaster housing.

"(h) Notwithstanding any other provision of this section, the Commissioner is authorized to insure any mortgage which involves a principal obligation not in excess of \$7,000 and not in excess of 100 per centum of the appraised value of a property upon which there is located a dwelling designed principally for a single-family residence, where the mortgagor is the owner and occupant and establishes (to the satisfaction of the Commissioner) that his home which he occupied as an owner or as a tenant was destroyed or damaged to such an extent that reconstruction is required as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe which the President, pursuant to section 2 (a) of the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes' (Public Law 875, Eighty-first Congress, approved September 30, 1950), as amended, has determined to be a major disaster.

64 Stat. 1109.
42 USC 1855a.

Single family
residence.
Outlying areas.

"(i) Notwithstanding any other provision of this section, the Commissioner is authorized to insure any mortgage which involves a principal obligation not in excess of \$6,650 and not in excess of 95 per centum of the appraised value, as of the date the mortgage is accepted for insurance, of a property in an area where the Commissioner finds it is not practicable to obtain conformity with many of the requirements essential to the insurance of mortgages on housing in built-up urban areas, upon which there is located a dwelling designed principally for a single family residence, and which is approved for mortgage insurance prior to the beginning of construction: *Provided*, That (1) the mortgagor shall be the owner and occupant of the property at the time of insurance and shall have paid on account of the property at least 5 per centum of the Commissioner's estimate of the cost of acquisition in cash or its equivalent, or (2) the mortgagor shall be the owner and occupant of the property at the time of insurance, regardless of his credit standing, with whom a person or corporation having a credit standing satisfactory to the Commissioner, shall have entered into a written contract (a) to pay on behalf of the prospective owner and occupant all or part of the downpayment required by this paragraph agreeing to take as security a note from the latter bearing interest at the rate of not more than 4 per centum per annum, maturing after the last maturity date of principal due on the insured mortgage, with a right in the holder to accelerate maturity to a date following prepayment of the entire mortgage debt, under the terms of which note all rights of such person or corporation are subordinated to the rights of the mortgagee or assignees of the mortgagee, and (b) to guarantee payment of the insured mortgage by the owner and occupant according to the terms of the mortgage, or (3) shall be the builder constructing the dwelling; in which case the

principal obligation shall not exceed 85 per centum of the appraised value of the property or \$5,950: *Provided further*, That the Commissioner finds that the project with respect to which the mortgage is executed is an acceptable risk, giving consideration to the need for providing adequate housing for families of low and moderate income particularly in suburban and outlying areas or small communities: *Provided further*, That under the foregoing provisions of this subsection the Commissioner is authorized to insure any mortgage issued with respect to the construction of a farm home on a plot of land five or more acres in size adjacent to a public highway, the total amount of insurance outstanding at any one time under this proviso not to exceed \$100,000,000."

Farm home.

SEC. 111. Section 204 (a) of said Act, as amended, is hereby amended—

Payment of insurance,
12 USC 1710.
Debentures.

(1) by striking out of the third sentence the words "any mortgage insurance premiums paid after either of such dates" and inserting "any mortgage insurance premiums paid after either of such dates, and any tax imposed by the United States upon any deed or other instrument by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner";

(2) by striking out of the second proviso the words "or under section 213 of this Act," and inserting the following: "or under section 213 of this Act, or with respect to any mortgage accepted for insurance under section 203 on or after the effective date of the Housing Act of 1954,"; and

12 USC 1715e,
1709.

(3) by striking the period at the end thereof and inserting a colon and the following: "*And provided further*, That, notwithstanding any requirement contained in this Act that debentures may be issued only upon acquisition of title and possession by the mortgagee and its subsequent conveyance and transfer to the Commissioner, and for the purpose of avoiding unnecessary conveyance expense in connection with payment of insurance benefits under the provisions of this Act, the Commissioner is authorized, subject to such rules and regulations as he may prescribe, to permit the mortgagee to tender to the Commissioner a satisfactory conveyance of title and transfer of possession direct from the mortgagor or other appropriate grantor and to pay the insurance benefits to the mortgagee which it would otherwise be entitled to if such conveyance had been made to the mortgagee and from the mortgagee to the Commissioner."

Direct conveyance.

SEC. 112. (a) Section 204 (d) of said Act, as amended, is hereby amended by striking out of the second sentence thereof the words "three years after the 1st day of July following the maturity date of the mortgage on the property in exchange for which the debentures were issued, except that debentures issued with respect to mortgages insured under section 213 shall mature twenty years after the date of such debentures" and inserting "twenty years after the date thereof".

Debenture terms.

(b) Section 207 (i) of said Act, as amended, is hereby amended by striking out of the second sentence thereof "ten" and inserting "twenty".

12 USC 1715e.

12 USC 1713.

(c) Section 803 (f) of said Act, as amended, is hereby amended by striking out of the second sentence thereof "ten" and inserting "twenty".

12 USC 1748b.

(d) Section 904 (d) of said Act, as amended, is hereby amended by striking out of the third sentence thereof the word "ten" and inserting "twenty".

12 USC 1750c.

(e) This section shall not apply in any case where the mortgage involved was insured or the commitment for such insurance was issued prior to the effective date of the Housing Act of 1954.

Nonapplicability.

12 USC 1710.

Premium charge
payment.
Cessation of
obligation.
12 USC 1709.

SEC. 113. Section 204 of said Act, as amended, is hereby amended by adding at the end thereof the following new subsection:

"(j) In the event that any mortgagee under a mortgage insured under section 203 forecloses on the mortgaged property but does not convey such property to the Commissioner in accordance with this section, and the Commissioner is given written notice thereof, or in the event that the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof, and the mortgagee pays any adjusted premium charge required under the provisions of section 203 (c), and the Commissioner is given written notice by the mortgagee of the payment of such obligation, the obligation to pay any subsequent premium charge for insurance shall cease, and all rights of the mortgagee and the mortgagor under this section shall terminate as of the date of such notice."

12 USC 1711.

General Surplus
and Participating
Reserve Accounts.

SEC. 114. Section 205 of said Act, as amended, is hereby amended to read as follows:

"SEC. 205. (a) The Commissioner shall establish as of July 1, 1954, in the Mutual Mortgage Insurance Fund a General Surplus Account and a Participating Reserve Account. All of the assets of the General Reinsurance Account shall be transferred to the General Surplus Account whereupon the General Reinsurance Account shall be abolished. There shall be transferred from the various group accounts to the Participating Reserve Account as of July 1, 1954, an amount equal to the aggregate amount which would have been distributed under the provisions of section 205 in effect on June 30, 1954, if all outstanding mortgages in such group accounts had been paid in full on said date. All of the remaining balances of said group accounts shall as of said date be transferred to the General Surplus Account whereupon all of said group accounts shall be abolished.

"(b) The aggregate net income thereafter received or any net loss thereafter sustained by the Mutual Mortgage Insurance Fund in any semiannual period shall be credited or charged to the General Surplus Account and/or the Participating Reserve Account in such manner and amounts as the Commissioner may determine to be in accord with sound actuarial and accounting practice.

"(c) Upon termination of the insurance obligation of the Mutual Mortgage Insurance Fund by payment of any mortgage insured thereunder, the Commissioner is authorized to distribute to the mortgagor a share of the Participating Reserve Account in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound actuarial and accounting practice: *Provided*, That, in no event, shall any such distributable share exceed the aggregate scheduled annual premiums of the mortgagor to the year of termination of the insurance.

12 USC 1709.

"(d) No mortgagor or mortgagee of any mortgage insured under section 203 shall have any vested right in a credit balance in any such account or be subject to any liability arising out of the mutuality of the Fund and the determination of the Commissioner as to the amount to be paid by him to any mortgagor shall be final and conclusive."

Rental housing.
12 USC 1713.

Insurance eligi-
bility.

SEC. 115. Section 207 (c) of said Act, as amended, is hereby amended—

(1) by inserting before the semicolon at the end of paragraph numbered (2) a colon and the following: "*And provided further*, That nothing contained in this section shall preclude the insurance of mortgages covering existing construction located in slum or blighted areas, as defined in paragraph numbered (5) of subsection (a) of this section, and the Commissioner may require such repair or rehabilitation work to be completed as is, in his discretion,

necessary to remove conditions detrimental to safety, health, or morals”;

(2) by striking out the word “Alaska,” in paragraph numbered (2) and inserting “Alaska, or in Guam,”; and

(3) by striking out paragraph numbered (3) and inserting the following:

“(3) not to exceed, for such part of such property or project as may be attributable to dwelling use, \$2,000 per room (or \$7,200 per family unit if the number of rooms in such property or project is less than four per family unit): *Provided*, That as to projects to consist of elevator type structures, the Commissioner may, in his discretion, increase the dollar amount limitation of \$2,000 per room to not to exceed \$2,400 per room and the dollar amount limitation of \$7,200 per family unit to not to exceed \$7,500 per family unit, as the case may be, to compensate for the higher costs incident to the construction of elevator type structures of sound standards of construction and design.”

SEC. 116. Section 207 (d) of said Act, as amended, is hereby amended by inserting the words “of the Housing Insurance Fund” between the words “debentures” and “issued” in the first sentence of such section.

SEC. 117. Section 207 (h) of said Act, as amended, is hereby amended by striking out the period at the end of the first sentence and adding the following: “and a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings, or the acquisition of the mortgaged property otherwise, and the conveyance thereof to the Commissioner.”

SEC. 118. Section 212 (a) of said Act, as amended, is hereby amended by inserting at the end thereof the following new sentence: “The provisions of this section shall also apply to the insurance of any mortgage under section 220 which covers property on which there is located a dwelling or dwellings designed principally for residential use for twelve or more families.”

SEC. 119. (a) Section 213 (b) of said Act, as amended, is hereby amended by striking clauses (1) and (2) and inserting:

“(1) not to exceed \$5,000,000, or not to exceed \$25,000,000 if the mortgage is executed by a mortgagor regulated or supervised under Federal or State laws or by political subdivisions of States or agencies thereof, as to rents, charges, and methods of operations; and

“(2) not to exceed, for such part of such property or project as may be attributable to dwelling use, \$2,250 per room (or \$8,100 per family unit if the number of rooms in such property or project is less than four per family unit), and not to exceed 90 per centum of the estimated value of the property or project when the proposed physical improvements are completed: *Provided*, That if at least 65 per centum of the membership of the corporation or number of beneficiaries of the trust consists of veterans, the mortgage may involve a principal obligation not to exceed \$2,375 per room (or \$8,550 per family unit if the number of rooms in such property or project is less than four per family unit), and not to exceed 95 per centum of the estimated value of the property or project when the proposed physical improvements are completed: *Provided further*, That as to projects which consist of elevator type structures, and to compensate for the higher costs incident to the construction of elevator type structures of sound standards of construction and design, the Commissioner may, in his discretion, increase the aforesaid dollar amount limitations per room or per family unit (as may be applicable to the particular case) within the following limits: (i) \$2,250 per room to not to

Guam.

Mortgage limits.

12 USC 1713.
Debentures.

12 USC 1713.
Foreclosure costs.

12 USC 1715c.
Labor standards.

Post, p. 596.

Cooperative housing.
12 USC 1715c.
Mortgage limits.

Non-veteran.

Veteran.

Definition.	exceed \$2,700; (ii) \$2,375 per room to not to exceed \$2,850; (iii) \$8,100 per family unit to not to exceed \$8,400; and (iv) \$8,550 per family unit to not to exceed \$8,900: <i>And provided further</i> , That for the purposes of this section the word 'veteran' shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to such date thereafter as shall be determined by the President."
12 USC 1715e.	(b) Section 213 (c) of said Act, as amended, is hereby amended by striking from clause (1) "paragraph (A), paragraph (C), or paragraph (D) of".
Assistant Commissioner.	SEC. 120. Section 213 (f) of said Act, as amended, is hereby amended by striking the last sentence thereof.
12 USC 1715h.	SEC. 121. Section 217 of said Act, as amended, is hereby amended to read as follows:
Insurance authorization.	"SEC. 217. Notwithstanding limitations contained in any other section of this Act on the aggregate amount of principal obligations of mortgages or loans which may be insured (or insured and outstanding at any one time), the aggregate amount of principal obligations of all mortgages which may be insured and outstanding at any one time under insurance contracts or commitments to insure pursuant to any section or title of this Act (except section 2) shall not exceed the sum of (a) the outstanding principal balances, as of July 1, 1954, of all insured mortgages (as estimated by the Commissioner based on scheduled amortization payments without taking into account prepayments or delinquencies), (b) the principal amount of all outstanding commitments to insure on that date, and (c) \$1,500,000,000, except that with the approval of the President such aggregate amount may be increased by not to exceed \$500,000,000.
	"It is the intent and purpose of this section to consolidate and merge all existing mortgage insurance authorizations or existing limitations with respect to any section or title of this Act (except section 2) into one general insurance authorization to take the place of all existing authorizations or limitations."
12 USC 1715j. Transfer of insurance funds.	SEC. 122. Section 219 of said Act, as amended, is hereby amended by striking out the words "or the Defense Housing Insurance Fund," and inserting "the Defense Housing Insurance Fund, or the Section 220 Housing Insurance Fund,".
	SEC. 123. Title II of said Act, as amended, is hereby amended by adding at the end thereof the following new sections:
	"REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE
Purpose.	"SEC. 220. (a) The purpose of this section is to aid in the elimination of slums and blighted conditions and the prevention of the deterioration of residential property by supplementing the insurance of mortgages under sections 203 and 207 of this title with a system of mortgage insurance designed to assist the financing required for the rehabilitation of existing dwelling accommodations and the construction of new dwelling accommodations where such dwelling accommodations are located in an area referred to in paragraph (1) of subsection (d) of this section.
12 USC 1709, 1713.	"(b) The Commissioner is authorized, upon application by the mortgagee, to insure, as hereinafter provided, any mortgage (including advances during construction on mortgages covering property of the character described in paragraph (3) (B) of subsection (d) of this section) which is eligible for insurance as hereinafter provided, and, upon such terms and conditions as he may prescribe, to make commit-
Authority.	

ments for the insurance of such mortgages prior to the date of their execution or disbursement thereon.

“(c) As used in this section, the terms ‘mortgage’, ‘first mortgage’, ‘mortgagee’, ‘mortgagor’, ‘maturity date’, and ‘State’ shall have the same meaning as in section 201 of this Act.

“(d) To be eligible for insurance under this section a mortgage shall meet the following conditions:

“(1) The mortgaged property shall—

“(A) be located in (i) the area of a slum clearance and urban redevelopment project covered by a Federal-aid contract executed, or a prior approval granted, pursuant to title I of the Housing Act of 1949, as amended, before the effective date of the Housing Act of 1954, or (ii) an urban renewal area (as defined in title I of the Housing Act of 1949, as amended) in a community respecting which the Housing and Home Finance Administrator has made the certification to the Commissioner provided for by subsection 101 (c) of the Housing Act of 1949, as amended: *Provided*, That a redevelopment plan or an urban renewal plan (as defined in title I of the Housing Act of 1949, as amended), as the case may be, has been approved for such area by the governing body of the locality involved and by the Housing and Home Finance Administrator, and said Administrator has certified to the Commissioner that such plan conforms to a general plan for the locality as a whole and that there exist the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan, and

“(B) meet such standards and conditions as the Commissioner shall prescribe to establish the acceptability of such property for mortgage insurance under this section.

“(2) The mortgaged property shall be held by—

“(A) a mortgagor approved by the Commissioner, and the Commissioner may in his discretion require such mortgagor to be regulated or restricted as to rents or sales, charges, capital structure, rate of return and methods of operation, and for such purpose the Commissioner may make such contracts with and acquire for not to exceed \$100 stock or interest in any such mortgagor as the Commissioner may deem necessary to render effective such restriction or regulations. Such stock or interest shall be paid for out of the Section 220 Housing Insurance Fund and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Commissioner under the insurance; or

“(B) by Federal or State instrumentalities, municipal corporate instrumentalities of one or more States, or limited dividend or redevelopment or housing corporations restricted by Federal or State laws or regulations of State banking or insurance departments as to rents, charges, capital structure, rate of return, or methods of operation.

“(3) The mortgage shall involve a principal obligation (including such initial service charges, appraisal, inspection and other fees as the Commissioner shall approve) in an amount—

“(A) not to exceed \$20,000 in the case of property upon which there is located a dwelling designed principally for a one- or two-family residence; or \$27,500 in the case of a three-family residence; or \$35,000 in the case of a four-family residence; or in the case of a dwelling designed principally for residential use for more than four families (but not exceeding such additional number of family units as the Commissioner may prescribe) \$35,000 plus not to exceed \$7,000 for each additional family unit in excess of four located on such property; and not to exceed an

Definitions.

12 USC 1707.

Eligibility.

Location.

63 Stat. 413.
42 USC 1451-1460.

42 USC 1451.
Plan.

Certification.

Standards.

Mortgagor.

Federal or State
instrumentalities,
etc.

Mortgage limits.

amount equal to the sum of (i) 95 per centum (but, in any case where the dwelling is not approved for mortgage insurance prior to the beginning of construction, 90 per centum) of \$9,000 of the appraised value (as of the date the mortgage is accepted for insurance), and (ii) 75 per centum of such value in excess of \$9,000, except that the President may increase such dollar amounts up to not to exceed \$10,000 if, after taking into consideration the general effect of such higher dollar amounts upon conditions in the building industry and upon the national economy, he determines such action to be in the public interest: *Provided*, That if the mortgagor is not the occupant of the property the principal obligation of the mortgage shall not exceed an amount equal to 85 per centum of the amount computed under the foregoing provisions of this paragraph (A); or

“(B) (i) not to exceed \$5,000,000, or, if executed by a mortgagor coming within the provisions of paragraph (2) (B) of this subsection (d), not to exceed \$50,000,000; and

“(ii) not to exceed 90 per centum of the estimated value of the property or project when the proposed improvements are completed (the value of the property or project may include the land, the proposed physical improvements, utilities within the boundaries of the property or project, architect’s fees, taxes, and interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner); and

“(iii) not to exceed, for such part of such property or project as may be attributable to dwelling use, \$2,250 per room (or \$8,100 per family unit if the number of rooms in such property or project is less than four per family unit): *Provided*, That as to projects to consist of elevator-type structures, the Commissioner may, in his discretion, increase the dollar amount limitation of \$2,250 per room to not to exceed \$2,700 per room and the dollar amount limitation of \$8,100 per family unit to not to exceed \$8,400 per family unit, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design, except that the Commissioner may, by regulation, increase the foregoing limits by not to exceed \$1,000 per room in any geographical area where he finds that cost levels so require: *And provided further*, That nothing contained in this paragraph (B) shall preclude the insurance of mortgages covering existing multifamily dwellings to be rehabilitated or reconstructed for the purposes set forth in subsection (a) of this section.

Amortization.

12 USC 1709.
Interest.

“(4) The mortgage shall provide for complete amortization by periodic payments within such terms as the Commissioner may prescribe, but as to mortgages coming within the provisions of paragraph (3) (A) of this subsection (d) not to exceed the maximum maturity prescribed by the provisions of section 203 (b) (3). The mortgage shall bear interest (exclusive of premium charges for insurance and service charge, if any) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time, or not to exceed such per centum per annum not in excess of 6 per centum as the Commissioner finds necessary to meet the mortgage market; contain such terms and provisions with respect to the application of the mortgagor’s periodic payment to amortization of the principal of the mortgage, insurance, repairs, alterations, payment of taxes, default reserves, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Commissioner may in his discretion prescribe.

“(e) The Commissioner may at any time, under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instrument secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage.

Release.

“(f) The mortgagee shall be entitled to receive the benefits of the insurance as hereinafter provided—

Benefit provisions.

“(1) as to mortgages meeting the requirements of paragraph (3) (A) of subsection (d) of this section, as provided in section 204 (a) of this Act with respect to mortgages insured under section 203; and the provisions of subsections (b), (c), (d), (e), (f), (g), and (h) of section 204 of this Act shall be applicable to such mortgages insured under this section, except that all references therein to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Section 220 Housing Insurance Fund and all references therein to section 203 shall be construed to refer to this section; or

12 USC 1710, 1709.

“(2) as to mortgages meeting the requirements of paragraph (3) (B) of subsection (d) of this section, as provided in section 207 (g) of this Act with respect to mortgages insured under said section 207, and the provisions of subsections (h), (i), (j), (k), and (l) of section 207 of this Act shall be applicable to such mortgages insured under this section, and all references therein to the Housing Insurance Fund or the Housing Fund shall be construed to refer to the Section 220 Housing Insurance Fund.

12 USC 1713.

“(g) There is hereby created a Section 220 Housing Insurance Fund which shall be used by the Commissioner as a revolving fund for carrying out the provisions of this section, and the Commissioner is hereby authorized to transfer to such Fund the sum of \$1,000,000 from the War Housing Insurance Fund established pursuant to the provisions of section 602 of this Act. General expenses of operation of the Federal Housing Administration under this section may be charged to the Section 220 Housing Insurance Fund.

Section 220 Housing Insurance Fund. Creation.

12 USC 1737.

“Moneys in the Section 220 Housing Insurance Fund not needed for the current operations of the Federal Housing Administration under this section shall be deposited with the Treasurer of the United States to the credit of such Fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under the provisions of this section. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

“Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage accepted for insurance under this section, the receipts derived from the property covered by such mortgage and claims assigned to the Commissioner in connection therewith shall be credited to the Section 220 Housing Insurance Fund. The principal of, and interest paid and to be paid on, debentures issued under this section, cash adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired under this section shall be charged to such Fund.

“SEC. 221. (a) This section is designed to supplement systems of mortgage insurance under other provisions of the National Housing Act in order to assist in relocating families to be displaced as the result of governmental action in a community respecting which (1) the

Relocation housing.

42 USC 1451.	Housing and Home Finance Administrator has made the certification to the Commissioner provided for by subsection 101 (c) of the Housing Act of 1949, as amended, or (2) there is being carried out a project covered by a Federal aid contract executed, or prior approval granted, by the Housing and Home Finance Administrator under title I of the Housing Act of 1949, as amended, before the effective date of the Housing Act of 1954. Mortgage insurance under this section shall be available only in those localities or communities which shall have requested such mortgage insurance to be provided: <i>Provided</i> , That the Commissioner shall prescribe such procedures as in his judgment are necessary to secure to the families to be so displaced, referred to above, a preference or priority of opportunity to purchase or rent such dwelling units: <i>Provided further</i> , That the total number of dwelling units in properties covered by mortgage insurance under this section in any such community shall not exceed the aggregate number of such dwelling units which the Housing and Home Finance Administrator, from time to time, certifies to the Commissioner to be needed for the relocation of families to be so displaced and who would be eligible to rent or purchase dwelling accommodations in properties covered by mortgage insurance authorized by this section: <i>Provided further</i> , That, with respect to any community referred to in clause (1) of this subsection, said Administrator shall not certify any dwelling units during any period when, in his opinion, the locality fails to carry out the workable program upon which said Administrator based the certification to the Commissioner that mortgage insurance under this section may be made available in such community: <i>And provided further</i> , That with respect to any community referred to in clause (2) of this subsection (but not clause (1) thereof), the number of dwelling units certified by said Administrator shall not exceed the number which he estimates to be needed for the relocation of such displaced families during the period when the project referred to in said clause (2) is being carried out.
42 USC 1451-1460. Community request. Priority.	
Limitation.	
Restriction.	
Limitation.	
Authority.	“(b) The Commissioner is authorized, upon application by the mortgagee, to insure under this section as hereinafter provided any mortgage which is eligible for insurance as provided herein and, upon such terms and conditions as the Commissioner may prescribe, to make commitments for the insurance of such mortgages prior to the date of their execution or disbursement thereon.
Definitions.	“(c) As used in this section, the terms ‘mortgage’, ‘first mortgage’, ‘mortgagee’, ‘mortgagor’, ‘maturity date’ and ‘State’ shall have the same meaning as in section 201 of this Act.
12 USC 1707.	
Eligibility.	“(d) To be eligible for insurance under this section, a mortgage shall—
	“(1) have been made to and be held by a mortgagee approved by the Commissioner as responsible and able to service the mortgage properly;
Mortgage limits.	“(2) involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Commissioner shall approve) in an amount not to exceed \$7,600, except that the Commissioner may by regulation increase this amount to not to exceed \$8,600 in any geographical area where he finds that cost levels so require, and not to exceed 95 per centum of the appraised value (as of the date the mortgage is accepted for insurance) of a property, upon which there is located a dwelling designed principally for a single-family residence: <i>Provided</i> , That the mortgagor shall be the owner and occupant of the property at the time of the insurance and shall have paid on account of the property at least 5 per centum of the Commissioner’s estimate of the cost of acquisition in cash or its equivalent.

lent: *Provided further*, That nothing contained herein shall preclude the Commissioner from issuing a commitment to insure and insuring a mortgage pursuant thereto where the mortgagor is not the owner and occupant and the property is to be built or acquired and repaired or rehabilitated for sale and the insured mortgage financing is required to facilitate the construction or the repair or rehabilitation of the dwelling and provide financing pending the subsequent sale thereof to a qualified owner-occupant, and in such instances the mortgage shall not exceed 85 per centum of the appraised value; or

Commitment.

“(3) if executed by a mortgagor which is a private nonprofit corporation or association or other acceptable private nonprofit organization, regulated or supervised under Federal or State laws or by political subdivisions of States or agencies thereof, as to rents, charges, and methods of operation, in such form and in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this section, the mortgage may involve a principal obligation not in excess of \$5,000,000; and not in excess of \$7,600 per family unit for such part of such property or project as may be attributable to dwelling use, except that the Commissioner may by regulation increase this amount to not to exceed \$8,600 in any geographical area where he finds that cost levels so require, and not in excess of 95 per centum of the Commissioner's estimate of the value of the property or project when constructed, or repaired and rehabilitated, for use as rental accommodations for ten or more families eligible for occupancy as provided in this section; and

“(4) provide for complete amortization by periodic payments within such terms as the Commissioner may prescribe, but not to exceed thirty years from the date of insurance of the mortgage or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser; bear interest (exclusive of premium charges for insurance and service charge, if any) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time, or not to exceed such per centum per annum not in excess of 6 per centum as the Commissioner finds necessary to meet the mortgage market; and contain such terms and provisions with respect to the application of the mortgagor's periodic payment to amortization of the principal of the mortgage, insurance, repairs, alterations, payment of taxes, default reserves, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Commissioner may in his discretion prescribe.

Amortization.

“(e) The Commissioner may at any time, under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instrument secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage.

Release.

“(f) The property or project shall comply with such standards and conditions as the Commissioner may prescribe to establish the acceptability of such property for mortgage insurance.

Standards.

“(g) The mortgagee shall be entitled to receive the benefits of the insurance as hereinafter provided—

Benefit provisions.

“(1) as to mortgages meeting the requirements of paragraph (2) of subsection (d) of this section, as provided in section 204 (a) of this Act with respect to mortgages insured under section 203, and the provisions of subsections (b), (c), (d), (e), (f), (g), and (h) of section 204 of this Act shall be applicable to such

12 USC 1710, 1709.

12 USC 1709.

mortgages insured under this section, except that all references therein to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Section 221 Housing Insurance Fund and all references therein to section 203 shall be construed to refer to this section; or

12 USC 1713.

“(2) as to mortgages meeting the requirements of paragraph (3) of subsection (d) of this section, as provided in section 207 (g) of this Act with respect to mortgages insured under said section 207, and the provisions of subsections (h), (i), (j), (k), and (l) of section 207 of this Act shall be applicable to such mortgages insured under this section, and all references therein to the Housing Insurance Fund or the Housing Fund shall be construed to refer to the Section 221 Housing Insurance Fund; or

Debentures.

“(3) in the event any mortgage insured under this section is not in default at the expiration of twenty years from the date the mortgage was endorsed for insurance, the mortgagee shall, within a period thereafter to be determined by the Commissioner, have the option to assign, transfer, and deliver to the Commissioner the original credit instrument and the mortgage securing the same and receive the benefits of the insurance as hereinafter provided in this paragraph, upon compliance with such requirements and conditions as to the validity of the mortgage as a first lien and such other matters as may be prescribed by the Commissioner at the time the loan is endorsed for insurance. Upon such assignment, transfer, and delivery the obligation of the mortgagee to pay the premium charges for insurance shall cease, and the Commissioner shall, subject to the cash adjustment provided herein, issue to the mortgagee debentures having a total face value equal to the amount of the original principal obligation of the mortgage which was unpaid on the date of the assignment, plus accrued interest to such date. Debentures issued pursuant to this paragraph (3) shall be issued in the same manner and subject to the same terms and conditions as debentures issued under paragraph (1) of this subsection, except that the debentures issued pursuant to this paragraph (3) shall be dated as of the date the mortgage is assigned to the Commissioner, shall mature ten years after such date, and shall bear interest from such date at the going Federal rate determined at the time of issuance. The term ‘going Federal rate’ as used herein means the annual rate of interest which the Secretary of the Treasury shall specify as applicable to the six-month period (consisting of January through June or July through December) which includes the issuance date of such debentures, which applicable rate for each such six-month period shall be determined by the Secretary of the Treasury by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such six-month period, on all outstanding marketable obligations of the United States having a maturity date of eight to twelve years from the first day of such month of May or November (or, if no such obligations are outstanding, the obligation next shorter than eight years and the obligation next longer than twelve years, respectively, shall be used), and by adjusting such estimated average annual yield to the nearest one-eighth of 1 per centum. The Commissioner shall have the same authority with respect to mortgages assigned to him under this paragraph as contained in section 207 (k) and section 207 (l) as to mortgages insured by the Commissioner and assigned to him under section 207 of this Act.

Definition.

12 USC 1713.

"(h) There is hereby created a Section 221 Housing Insurance Fund which shall be used by the Commissioner as a revolving fund for carrying out the provisions of this section, and the Commissioner is hereby authorized to transfer to such Fund the sum of \$1,000,000 from the War Housing Insurance Fund established pursuant to the provisions of section 602 of this Act. General expenses of operation of the Federal Housing Administration under this section may be charged to the Section 221 Housing Insurance Fund.

Section 221
Housing Insurance
Fund.
Creation.

12 USC 1737.

"Moneys in the Section 221 Housing Insurance Fund not needed for the current operations of the Federal Housing Administration under this section shall be deposited with the Treasurer of the United States to the credit of such Fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under the provisions of this section. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage accepted for insurance under this section, the receipts derived from the property covered by such mortgage and claims assigned to the Commissioner in connection therewith shall be credited to the Section 221 Housing Insurance Fund. The principal of, and interest paid and to be paid on, debentures issued under this section, cash adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired under this section shall be charged to such Fund."

SEC. 124. Title II of said Act, as amended, is further amended by adding at the end thereof the following new section :

"MORTGAGE INSURANCE FOR SERVICEMEN

"SEC. 222. (a) The purpose of this section is to aid in the provision of housing accommodations for servicemen in the Armed Forces of the United States and their families, and servicemen in the United States Coast Guard and their families, by supplementing the insurance of mortgages under section 203 of this title with a system of mortgage insurance specially designed to assist the financing required for the construction or purchase of dwellings by those persons. As used in this section, a 'serviceman' means a person to whom the Secretary of Defense (or any officer or employee designated by him), or the Secretary of the Treasury (or any officer or employee designated by him), as the case may be, has issued a certificate hereunder indicating that such person requires housing, is serving on active duty in the Armed Forces of the United States or in the United States Coast Guard and has served on active duty for more than two years, but a certificate shall not be issued hereunder to any person ordered to active duty for training purposes only. The Secretary of Defense and the Secretary of the Treasury, respectively, are authorized to prescribe rules and regulations governing the issuance of such certificates and may withhold issuance of more than one such certificate to a serviceman whenever in his discretion issuance is not justified due to circumstances resulting from military assignment, or, in the case of the United States Coast Guard, other assignment.

Purpose.

12 USC 1709.

Definition.

"(b) In addition to mortgages insured under section 203, the Commissioner may, for the purpose of this section, insure any mortgage under this section which would be eligible for insurance under section

12 USC 1709.
Additional mort-
gages.

203, except that as to mortgages so insured the maximum ratio of loan to value may, in the discretion of the Commissioner, exceed the maximum ratio of loan to value prescribed in section 203 but not to exceed in any event 95 per centum of the appraised value of the property and not to exceed \$17,100: *Provided*, That a mortgage insured under this section shall have been executed by a mortgagor who is a serviceman and who, at the time of insurance, is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the United States Coast Guard, other assignment.

12 USC 1709. (c) The Commissioner may prescribe the manner in which a mortgage may be accepted for insurance under this section. Premiums fixed by the Commissioner under section 203 with respect to, or payable during, the period of ownership by a serviceman of the property involved shall not be payable by the mortgagee but shall be paid not less frequently than once each year, upon request of the Commissioner to the Secretary of Defense or the Secretary of the Treasury, as the case may be, from the respective appropriations available for pay and allowances of persons eligible for mortgage insurance under this section. As used herein, 'the period of ownership by a serviceman' means the period, for which premiums are fixed, prior to the date that the Secretary of Defense (or any officer or employee or other person designated by him) or the Secretary of the Treasury (or any officer or employee or other person designated by him), as the case may be, furnishes the Commissioner with a certification that such ownership (as defined by the Commissioner) has terminated.

12 USC 1710, 1709. (d) Any mortgagee under a mortgage insured under this section is entitled to the benefits of the insurance as provided in section 204 (a) with respect to mortgages insured under section 203.

(e) The provisions of subsections (b), (c), (d), (e), (f), (g), and (h) of section 204 shall apply to mortgages insured under this section, except that as applied to those mortgages (1) all references to the 'Fund', or 'Mutual Mortgage Insurance Fund', shall refer to the 'Servicemen's Mortgage Insurance Fund', and (2) all references to 'section 203' shall refer to this section.

Servicemen's
Mortgage Insur-
ance Fund.
Creation.

12 USC 1737.

(f) There is hereby created a Servicemen's Mortgage Insurance Fund to be used by the Commissioner as a revolving fund to carry out the provisions of this section, and the Commissioner is directed to transfer the sum of \$1,000,000 to such Fund from the War Housing Insurance Fund created by section 602 of this Act. Any premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage accepted for insurance under this section, the receipts derived from the property covered by such mortgage and claims assigned to the Commissioner in connection therewith shall be credited to the Servicemen's Mortgage Insurance Fund. The principal of, and interest paid and to be paid on, debentures issued under this section, and cash adjustments and expenses incurred in the handling, management, renovation, and disposal of properties acquired under this section shall be charged to the Servicemen's Mortgage Insurance Fund. General expenses of operation of the Federal Housing Administration incurred under this section may be charged to the Servicemen's Mortgage Insurance Fund. Moneys in that Fund not needed for the current operation of the Federal Housing Administration under this section shall be deposited with the Treasurer of the United States to the credit of that Fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under this

section. Those purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued."

SEC. 125. Title II of said Act, as amended, is hereby further amended by adding at the end thereof the following new section to transfer to title II the mortgage insurance program in connection with the sale of certain publicly owned property as contained in section 610 of title VI; the insurance of mortgages to refinance existing loans insured under section 608 of title VI and sections 903 and 908 of title IX; and to authorize the insurance under title II of mortgages assigned to the Commissioner under insurance contracts and mortgages held by the Commissioner in connection with the sale of property acquired under insurance contracts:

Transfer of certain authority to Title II,
12 USC 1745.

12 USC 1743,
1750b, 1750g.

"MISCELLANEOUS HOUSING INSURANCE

"SEC. 223. (a) Notwithstanding any of the provisions of this title, and without regard to limitations upon eligibility contained in section 203 or section 207, the Commissioner is authorized, upon application by the mortgagee, to insure or make commitments to insure under section 203 or section 207 of this title any mortgage—

12 USC 1709,
1713.

"(1) executed in connection with the sale by the Government, or any agency or official thereof, of any housing acquired or constructed under Public Law 849, Seventy-sixth Congress, as amended; Public Law 781, Seventy-sixth Congress, as amended; or Public Laws 9, 73, or 353, Seventy-seventh Congress, as amended (including any property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof); or

54 Stat. 1125,
42 USC 1521-
1590.
54 Stat. 872; 55
Stat. 14, 197, 810.

"(2) executed in connection with the sale by the Public Housing Administration, or by any public housing agency with the approval of the said Administration, of any housing (including any property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof) owned or financially assisted pursuant to the provisions of Public Law 671, Seventy-sixth Congress; or

54 Stat. 681.
42 USC 1501-
1505.

"(3) executed in connection with the sale by the Government, or any agency or official thereof, of any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935, or of any of the village properties or employee's housing under the jurisdiction of the Tennessee Valley Authority; or

49 Stat. 115.

"(4) executed in connection with the sale by a State or municipality, or an agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality, or political subdivision, for the occupancy of veterans of World War II, or Korean veterans, their families, and others; or

"(5) executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in paragraphs (1), (2), and (3) above; or

"(6) given to refinance an existing mortgage insured under section 608 of title VI prior to the effective date of the Housing

12 USC 1743.

<sup>12 USC 1750b,
1750g.</sup>

<sup>12 USC 1709,
1713.</sup>

Act of 1954 or under section 903 or section 908 of title IX: *Provided*, That the principal amount of any such refinancing mortgage shall not exceed the original principal amount or the unexpired term of such existing mortgage and shall bear interest at a rate not in excess of the maximum rate applicable to loans insured under section 203 or section 207, as the case may be, except that in any case involving the refinancing of a loan insured under section 608 or 908 in which the Commissioner determines that the insurance of a mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage, such refinancing mortgage may have a term not more than twelve years in excess of the unexpired term of such existing insured mortgage: *Provided*, That a mortgage of the character described in paragraph (1), (2), (3), (4), or (5) shall have a maturity satisfactory to the Commissioner, but not to exceed the maximum term applicable to loans insured under section 203 or section 207, as the case may be, and shall involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Commissioner shall approve) in an amount not exceeding 90 per centum of the appraised value of the mortgaged property, as determined by the Commissioner, and bear interest (exclusive of premium charges and service charges, if any) at not to exceed the maximum rate applicable to loans insured under section 203 or section 207, as the case may be, except that where a mortgage of a character described in paragraph (1), (2), (3), or (5) covers property held by a nonprofit cooperative ownership housing corporation or nonprofit cooperative ownership housing trust, the permanent occupancy of the dwellings of which is restricted to members of such corporation or to beneficiaries of such trust, if at least 65 per centum of such members or beneficiaries are veterans, such principal obligation may be in an amount not exceeding 95 per centum of such appraised value.

“(b) The Commissioner shall also have authority to insure under this title any mortgage assigned to him in connection with payment under a contract of mortgage insurance or executed in connection with the sale by him of any property acquired under title I, title II, title VI, title VII, title VIII, or title IX without regard to any limitation upon eligibility contained in this title II.”

SEC. 126. Title II of said Act, as amended, is hereby amended by adding at the end thereof the following new sections:

“DEBENTURE INTEREST RATE

“SEC. 224. Notwithstanding any other provisions of this Act, debentures issued under any section of this Act with respect to a mortgage accepted for insurance on or after thirty days following the effective date of the Housing Act of 1954 (except debentures issued pursuant to paragraph (3) of section 221 (g) hereof) shall bear interest at the rate in effect at the time the mortgage is insured. The Commissioner shall from time to time, with the approval of the Secretary of the Treasury, establish such interest rate in an amount not in excess of the annual rate of interest determined by the Secretary of the Treasury, at the request of the Commissioner, by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the calendar month next preceding the establishment of such rate of interest, on all outstanding marketable obligations of the United States having a maturity date of fifteen years or more from the first day of such next preceding month, and by adjusting such

Ante, p. 601.

estimated average annual yield to the nearest one-eighth of 1 per centum.

“OPEN-END MORTGAGES

“SEC. 225. Notwithstanding any other provisions of this Act, in connection with any mortgage insured pursuant to any section of this Act which covers a property upon which there is located a dwelling designed principally for residential use for not more than four families in the aggregate, the Commissioner is authorized, upon such terms and conditions as he may prescribe, to insure under said section the amount of any advance for the improvement or repair of such property made to the mortgagor pursuant to an ‘open-end’ provision in the mortgage, and to add the amount of such advance to the original principal obligation in determining the value of the mortgage for the purpose of computing the amounts of debentures and certificate of claim to which the mortgagee may be entitled: *Provided*, That the Commissioner may require the payment of such charges, including charges in lieu of insurance premiums, as he may consider appropriate for the insurance of such ‘open-end’ advances: *Provided further*, That only advances for such improvements or repairs as substantially protect or improve the basic livability or utility of the property involved shall be eligible for insurance under this section: *Provided further*, That no such advance shall be insured under this section if the amount thereof plus the amount of the unpaid balance of the original principal obligation of the mortgage would exceed the amount of such original principal obligation unless the mortgagor certifies that the proceeds of such advance will be used to finance the construction of additional rooms or other enclosed space as a part of the dwelling: *And provided further*, That the insurance of ‘open-end’ advances shall not be taken into account in determining the aggregate amount of principal obligations of mortgages which may be insured under this Act.

Charges.

Eligibility requirement.

Restrictions.

“FHA APPRAISAL AVAILABLE TO HOME BUYERS

“SEC. 226. The Commissioner is hereby authorized and directed to require that, in connection with any property upon which there is located a dwelling designed principally for a single-family residence or a two-family residence and which is approved for mortgage insurance under section 203, 213 with respect to any property or project of a corporation or trust of the character described in paragraph numbered (2) of subsection (a) thereof, 220, 221, 222, or 903 of this Act, the seller or builder or such other person as may be designated by the Commissioner shall agree to deliver, prior to the sale of the property, to the person purchasing such dwelling for his own occupancy, a written statement setting forth the amount of the appraised value of the property as determined by the Commissioner. This section shall not apply in any case where the mortgage involved was insured or the commitment for such insurance was issued prior to the effective date of the Housing Act of 1954.

12 USC 1709, 1715e.

Ante, pp. 596, 599, 603.
12 USC 1750b.

Nonapplicability.

“BUILDER’S COST CERTIFICATION

“SEC. 227. Notwithstanding any other provisions of this Act, no mortgage covering new or rehabilitated multifamily housing shall be insured under this Act unless the mortgagor has agreed (a) to certify, upon completion of the physical improvements on the mortgaged property or project and prior to final endorsement of the mortgage, either (i) that the approved percentage of actual cost (as those terms are herein defined) equaled or exceeded the proceeds of the mortgage

loan or (ii) the amount by which the proceeds of the mortgage loan exceeded such approved percentage of actual cost, as the case may be, and (b) to pay forthwith to the mortgagee, for application to the reduction of the principal obligation of such mortgage, the amount, if any, certified to be in excess of such approved percentage of actual cost. As used in this section—

Definitions.

12 USC 1713,
1715e.

Ante, p. 596.

Ante, p. 599.

12 USC 1748b,
1750b, 1750g.

“(a) The term ‘new or rehabilitated multifamily housing’ means a project or property approved for mortgage insurance prior to the construction or the repair and rehabilitation involved and covered by a mortgage insured or to be insured (i) under section 207, (ii) under section 213 with respect to any property or project of a corporation or trust of the character described in paragraph numbered (1) of subsection (a) thereof, (iii) under section 220 if the mortgage meets the requirements of paragraph (3) (B) of subsection (d) thereof, (iv) under section 221, (v) under section 803, or (vi) under sections 903 and 908;

“(b) The term ‘approved percentage’ means the percentage figure which, under applicable provisions of this Act, the Commissioner is authorized to apply to his estimate of value or replacement cost, as the case may be, of the property or project in determining the maximum insurable mortgage amount; and

“(c) The term ‘actual cost’ has the following meaning: (i) in case the mortgage is to assist the financing of new construction, the term means the actual cost to the mortgagor of such construction, including amounts paid for labor, materials, construction contracts, off-site public utilities, streets, organizational and legal expenses, and other items of expense approved by the Commissioner, plus (1) a reasonable allowance for builder’s profit if the mortgagor is also the builder as defined by the Commissioner, and (2) an amount equal to the Commissioner’s estimate of the fair market value of any land (prior to the construction of the improvements built as a part of the project) in the property or project owned by the mortgagor in fee (or, in case the land in the property or project is held by the mortgagor under a leasehold or other interest less than a fee, such amount as the mortgagor paid for the acquisition of such leasehold or other interest but, in no event, in excess of the fair market value of such leasehold or other interest exclusive of the proposed improvements), but excluding the amount of any kickbacks, rebates, or trade discounts received in connection with the construction of the improvements, or (ii) in case the mortgage is to assist the financing of repair or rehabilitation, the term means the actual cost to the mortgagor of such repair or rehabilitation, including the amounts paid for labor, materials, construction contracts, off-site public utilities, streets, organization and legal expenses, and other items of expense approved by the Commissioner, plus (1) a reasonable allowance for builder’s profit if the mortgagor is also the builder as defined by the Commissioner, and (2) an additional amount equal to (A) in case the land and improvements are to be acquired by the mortgagor and the purchase price thereof is to be financed with part of the proceeds of the mortgage, the purchase price of such land and improvements prior to such repair or rehabilitation, or (B) in case the land and improvements are owned by the mortgagor subject to an outstanding indebtedness to be refinanced with part of the proceeds of the mortgage, the amount of such outstanding indebtedness (without reduction by reason of the application of the approved percentage requirements of this section) secured by such land and improvements, but excluding (for the purposes of this clause (ii)) the amount of any kickbacks, rebates, or trade discounts received in connection with the construction of the improvements: *Provided*, That such additional amount under either (A) or (B) of this clause (ii) shall in no event exceed the Commissioner’s estimate of the fair market value of such land and improvements prior to such repair or rehabilitation.

"SEC. 228. Notwithstanding section 505 of the Classification Act of 1949, as amended, the Commissioner may establish and place one position in grade GS-18, four positions in grade GS-17, and eight positions in grade GS-16 in the Federal Housing Administration, which positions shall be in lieu of any positions presently allocated in the Federal Housing Administration under said section 505."

GS-16, 17 and 18
positions.
63 Stat. 959.
5 USC 1105.

ADDITIONAL AMENDMENTS RELATING TO FEDERAL HOUSING ADMINISTRATION

SEC. 127. Title VI of said Act, as amended, is hereby amended by adding the following new section at the end thereof:

War housing in-
surance.

"SEC. 612. Notwithstanding any other provision of this title, no mortgage or loan shall be insured under any section of this title after the effective date of the Housing Act of 1954 except pursuant to a commitment to insure issued on or before such date."

Termination.

SEC. 128. (a) Section 803 (a) of said Act, as amended, is amended by striking out "July 31, 1954" and substituting therefor "June 30, 1955".

12 USC 1748b.
Military housing
insurance.
Extension.

(b) Section 903 (a) of said Act, as amended, is hereby amended by adding the following before the last proviso thereof: "*Provided further*, That the Commissioner shall require each dwelling covered by a mortgage insured under this section, for which a commitment to insure is issued after the effective date of the Housing Act of 1954, to be held for rental for a period of not less than three years after the dwelling is made available for initial occupancy."

12 USC 1750b.
Rental require-
ment.

SEC. 129. Section 104 of the Defense Housing and Community Facilities and Services Act of 1951, as amended, is hereby amended as follows: (1) by striking out the material within the parentheses in clause (a) and substituting therefor "except (i) pursuant to a commitment to insure issued on or before such date or (ii) after July 31, 1954, and until July 1, 1955, during such period, or for such project or projects, as the President may designate hereunder", and (2) by adding after the last comma in clause (b) "except after July 31, 1954, and until July 1, 1955, during such period, or for such project or projects, as the President may designate hereunder: *Provided*, That, to the extent necessary to assure the adequate completion of any facilities for which prior agreements have been made under title III, the Housing and Home Finance Administrator may, at any time after July 31, 1954, enter into amendatory agreements under such title involving the expenditure of additional Federal funds within the balance available therefor on or before such date".

65 Stat. 295.
42 USC 1591c.
Expiration date.

SEC. 130. The paragraph following paragraph numbered (3) of section 803 (b) of the National Housing Act, as amended, and paragraph numbered (3) of section 908 (b) of said Act, as amended, are hereby amended to read as follows: "The mortgagor shall enter into the agreement required by section 227 of this Act, as amended."

Agreement.

SEC. 131. The eighth paragraph of section 709 of title 18 of the United States Code is hereby amended to read as follows:

12 USC 1748b,
1750g.

Ante, p. 607.

"Whoever uses as a firm or business name the words 'Housing and Home Finance Agency', 'Federal Housing Administration', 'Federal National Mortgage Association', or 'Public Housing Administration' or the letters 'FHA' or any combination or variation of those words or the letters 'FHA' alone or with other words or letters reasonably calculated to convey the false impression that such name or business has some connection with, or authorization from, the Housing and Home Finance Agency, the Federal Housing Administration, the Federal National Mortgage Association, the Public Housing Administration, the Government of the United States or any agency thereof, which does not in fact exist, or falsely claims that any repair, improve-

62 Stat. 734.
False advertis-
ing or misuse of
names.

ment, or alteration of any existing structure is required or recommended by the Housing and Home Finance Agency, the Federal Housing Administration, the Federal National Mortgage Association, the Public Housing Administration, the Government of the United States or any agency thereof, for the purpose of inducing any person to enter into a contract for the making of such repairs, alterations, or improvements, or falsely advertises or falsely represents by any device whatsoever that any housing unit, project, business, or product has been in any way endorsed, authorized, inspected, appraised, or approved by the Housing and Home Finance Agency, the Federal Housing Administration, the Federal National Mortgage Association, the Public Housing Administration, the Government of the United States or any agency thereof; or”.

49 USC 22.

SEC. 132. Title V of the National Housing Act, as amended, is hereby amended by adding the following new sections after section 511:

“SEC. 512. Notwithstanding any other provision of law, the Commissioner is authorized to refuse the benefits of participation (either directly as an insured lender or as a borrower, or indirectly as a builder, contractor, or dealer, or salesman or sales agent for a builder, contractor or dealer) under title I, II, VI, VII, VIII, or IX of this Act to any person or firm (including but not limited to any individual, partnership, association, trust, or corporation) if the Commissioner has determined that such person or firm (1) has knowingly or willfully violated any provision of this Act or of title III of the Servicemen's Readjustment Act of 1944, as amended, or of any regulation issued by the Commissioner under this Act or by the Administrator of Veterans' Affairs under said title III, or (2) has, in connection with any construction, alteration, repair or improvement work financed with assistance under this Act or under said title III, or in connection with contracts or financing relating to such work, violated any Federal or State penal statute, or (3) has failed materially to properly carry out contractual obligations with respect to the completion of construction, alteration, repair, or improvement work financed with assistance under this Act or under title III of the Servicemen's Readjustment Act of 1944, as amended. Before any such determination is made any person or firm with respect to whom such a determination is proposed shall be notified in writing by the Commissioner and shall be entitled, upon making a written request to the Commissioner, to a written notice specifying charges in reasonable detail and an opportunity to be heard and to be represented by counsel. Determinations made by the Commissioner under this section shall be based on the preponderance of the evidence.

58 Stat. 291.
38 USC 694-
694n.

Hotel purposes.
Intent of Con-
gress.

“SEC. 513. (a) The Congress hereby declares that it has been its intent since the enactment of the National Housing Act that housing built with the aid of mortgages insured under that Act is to be used principally for residential use; and that this intent excludes the use of such housing for transient or hotel purposes while such insurance on the mortgage remains outstanding.

Prohibitions.

“(b) Notwithstanding any other provisions of this Act, no new, existing, or rehabilitated multifamily housing with respect to which a mortgage is insured under this Act shall be operated for transient or hotel purposes unless (1) on or before May 28, 1954, the Commissioner has agreed in writing to the rental of all or a portion of the accommodations in the project for transient or hotel purposes (in which case no accommodations in excess of the number so agreed to by the Commissioner shall be rented on such basis), or (2) the project covered by the insured mortgage is located in an area which the Commissioner determines to be a resort area, and the Commissioner finds that prior to May 28, 1954, a portion of the accommodations in the project had been made

available for rent for transient or hotel purposes (in which case no accommodations in excess of the number which had been made available for such use shall be rented on such basis).

“(c) Notwithstanding any other provisions of this Act, no mortgage with respect to multifamily housing shall be insured under this Act (except pursuant to a commitment to insure issued prior to the effective date of the Housing Act of 1954), and (except as to housing coming within the provisions of clause (1) or clause (2) of the preceding subsection) no mortgage with respect to multifamily housing shall be insured for an additional term, unless (1) the mortgagor certifies under oath that while such insurance remains outstanding he will not rent, or permit the rental of, such housing or any part thereof for transient or hotel purposes, and (2) the Commissioner has entered into such contract with, or purchased such stock of, the mortgagor as the Commissioner deems necessary to enable him to prevent or terminate any use of such property or project for transient or hotel purposes while the mortgage insurance remains outstanding.

“(d) The Commissioner is hereby authorized and directed to enforce the provisions of this section by all appropriate means at his disposal, as to all existing multifamily housing with respect to which a mortgage was insured under this Act prior to the effective date of the Housing Act of 1954 as well as to all multifamily housing with respect to which a mortgage is hereafter insured under this Act: *Provided*, That no criminal penalty shall, by reason of enactment of this section, be applicable to the rental or operation of any such existing multifamily housing in violation of any provision of subsection (b) of this section at any time prior to the effective date of the Housing Act of 1954.

“(e) As used in this section, (1) the term ‘rental for transient or hotel purposes’ shall have such meaning as prescribed by the Commissioner but rental for any period less than thirty days shall in any event constitute rental for such purposes, and (2) the term ‘multifamily housing’ shall mean (i) a property held by a mortgagor upon which there are located five or more single family dwellings, or upon which there is located a two-, three-, or four-family dwelling, or (ii) a property or project covered by mortgage insured or to be insured under section 207, under section 213 with respect to any property or project of a corporation or trust of the character described in paragraph numbered (1) of subsection (a) thereof, under section 220 if the mortgage is within the provisions of paragraph (3) (B) of subsection (d) thereof, under section 221 if the mortgage is within the provisions of paragraph (3) of subsection (d) thereof, under section 608, under section 803, or under section 908, or (iii) a project with respect to which an insurance contract pursuant to title VII is outstanding.

“(f) Promptly after receipt of written notice that any portion of any building is being rented or operated in violation of any provision of this section or of any rule or regulation lawfully issued thereunder, the Commissioner shall investigate the existence of the facts alleged in the written notice and shall order such violation, if found to exist, to cease forthwith.

“(g) If such violation does not cease in accordance with such order, the Commissioner shall forward the complaint to the Attorney General of the United States for prosecution of such civil or criminal action, if any, which the Attorney General may find to be involved in such violation.

“(h) Whenever he finds a violation of any provision of this section has occurred or is about to occur, the Attorney General shall petition the district court of the United States or the district court of any Territory or other place subject to United States jurisdiction within whose jurisdictional limits the person doing or committing the acts

Certification.

Enforcement.

Definitions.

12 USC 1713,
1715e.

Ante, p. 596.

Ante, p. 599.

12 USC 1743,
1748b, 1750g.

Investigation.

Violation.
Authority of At-
torney General.

Injunctions.

or practices constituting the alleged violation of this section shall be found, for an order enjoining such acts or practices, and upon a showing by the Attorney General that such acts or practices constituting such violation have been engaged in or are about to be engaged in, a permanent or temporary injunction, restraining order, or other order, with or without such injunction or restraining order, shall be granted without bond.

Injunctive relief.

“(i) Any person owning or operating a hotel within a radius of fifty miles of a place where a violation of any provision of this section has occurred or is about to occur, or any group or association of hotel owners or operators within said fifty-mile radius, at his or their sole charge or cost, may petition any district court of the United States or the district court of any Territory or other place subject to United States jurisdiction within whose jurisdictional limits the person doing or committing the acts or practices constituting the alleged violation of this section shall be found, for an order enjoining such acts or practices, and, upon a showing that such acts or practices constituting such violation have been engaged in or are about to be engaged in, a permanent or temporary injunction, restraining order, or other order, with or without such injunction or restraining order, shall be granted.

District courts. Jurisdiction.

“(j) The several district courts of the United States and the several district courts of the Territories of the United States or other place subject to United States jurisdiction, within whose jurisdictional limits the person doing or committing the acts or practices constituting the alleged violation shall be found, shall, wheresoever such acts or practices may have been done or committed, have full power and jurisdiction to hear, try, and determine such matter under subsections (h) and (i) of this section.”

Federal National Mortgage Association Charter Act.

TITLE II—FEDERAL NATIONAL MORTGAGE ASSOCIATION

SEC. 201. Title III of the National Housing Act, as amended, is hereby amended to read as follows:

“TITLE III—FEDERAL NATIONAL MORTGAGE ASSOCIATION

“PURPOSES

“SEC. 301. The Congress hereby declares that the purposes of this title are to establish in the Federal Government a secondary market facility for home mortgages, to provide that the operations of such facility shall be financed by private capital to the maximum extent feasible, and to authorize such facility to—

“(a) provide supplementary assistance to the secondary market for home mortgages by providing a degree of liquidity for mortgage investments, thereby improving the distribution of investment capital available for home mortgage financing;

“(b) provide special assistance (when, and to the extent that, the President has determined that it is in the public interest) for the financing of (1) selected types of home mortgages (pending the establishment of their marketability) originated under special housing programs designed to provide housing of acceptable standards at full economic costs for segments of the national population which are unable to obtain adequate housing under established home financing programs, and (2) home mortgages generally as a means of retarding or stopping a decline in mort-

gage lending and home building activities which threatens materially the stability of a high level national economy; and

“(c) manage and liquidate the existing mortgage portfolio of the Federal National Mortgage Association in an orderly manner, with a minimum of adverse effect upon the home mortgage market and minimum loss to the Federal Government.

“CREATION OF ASSOCIATION

“SEC. 302. (a) There is hereby created a body corporate to be known as the ‘Federal National Mortgage Association’ (hereinafter referred to as the ‘Association’), which shall be a constituent agency of the Housing and Home Finance Agency. The Association shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Agencies or offices may be established by the Association in such other place or places as it may deem necessary or appropriate in the conduct of its business.

Federal National
Mortgage Associ-
ation.

“(b) For the purposes set forth in section 301 and subject to the limitations and restrictions of this title, the Association is authorized to make commitments to purchase and to purchase, service, or sell, any residential or home mortgages (or participations therein) which are insured under this Act, as amended, or which are insured or guaranteed under the Servicemen’s Readjustment Act of 1944, as amended: *Provided*, That (1) no mortgage may be purchased at a price exceeding 100 per centum of the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items; and (2) the Association may not purchase any mortgage if (i) it is offered by, or covers property held by, a Federal, State, territorial, or municipal instrumentality or (ii) the original principal obligation thereof exceeds or exceeded \$15,000 for each family residence or dwelling unit covered by the mortgage.

58 Stat. 284.
38 USC 693note.

“CAPITALIZATION

“SEC. 303. (a) The Association shall have nonvoting common stock; and initially shall also have nonvoting preferred stock to which the Secretary of the Treasury shall subscribe as provided in subsections (d) and (e) of this section. All stock of the Association shall have a par value of \$100 per share, and shall not be transferable except on the books of the Association. At the option of the Association all such stock shall be retireable at par value at any time, except that retirements of common stock shall not be made if, as a consequence, the amount thereof remaining outstanding would be less than \$100,000,000. With respect to the preferred stock held by him, the Secretary of the Treasury shall be entitled to cumulative dividends for each fiscal year or portion thereof, from the date or dates the capital represented by such preferred stock is initially utilized until such preferred stock is retired, at rates determined by him at the beginning of each such fiscal year, taking into consideration the current average interest rate on outstanding marketable obligations of the United States as of the last day of the preceding fiscal year. The Secretary of the Treasury shall permit the retirement of the preferred stock held by him in the manner provided in this section. Funds of the capital surplus and the general surplus accounts of the Association shall be available to retire the preferred stock held by the Secretary of the Treasury as rapidly as the Association shall deem feasible. Concurrently with the retirement of the last of such outstanding shares of preferred stock, the Association shall pay to the Secretary of the Treasury for covering into mis-

cellaneous receipts an amount equal to that part of the general surplus and reserves of the Association (other than reserves established to provide for any depreciation in value of its assets, including mortgages) which shall be deemed to have been earned through the use of the capital represented by the shares held by him from time to time. The amount of such payment shall be determined by applying to such surplus and reserves that percentage which is equivalent to the proportion borne by the employed capital represented by the Secretary's stock to the total employed capital of the Association, computed monthly for the period from the cutoff date determined pursuant to section 303 (d) of this title to the aforesaid retirement of the last of the outstanding shares of preferred stock of the Association.

"(b) The Association shall accumulate funds for its capital surplus account from private sources by requiring each mortgage seller to make payments of nonrefundable capital contributions equal to not less than 3 per centum of the unpaid principal amount of mortgages therein involved in purchases or contracts for purchases between such seller and the Association, or such greater percentage as may from time to time be determined by the Association. In addition, the Association may impose charges or fees for its services with the objective that all costs and expenses of its operations should be within its income derived from such operations and that such operations should be fully self-supporting. All earnings from the operations of the Association shall annually be transferred to its general surplus account. At any time, funds of the general surplus account may, in the discretion of the board of directors, be transferred to reserves. All dividends shall be charged against the general surplus account. This subsection (b) shall be subject to the exceptions set forth in section 307 of this title.

Post, p. 619.

"(c) The Association shall issue, from time to time, to each mortgage seller its common stock (only in denominations of \$100 or multiples thereof) evidencing any capital contributions made by such seller pursuant to subsection (b) of this section. Such dividends as may be declared by the board of directors in its discretion shall be paid by the Association to the holders of its common stock, but in any one fiscal year the general surplus account of the Association shall not be reduced through the payment of dividends applicable to such common stock which exceed in the aggregate 5 per centum of the par value of the outstanding common stock of the Association: *Provided*, That pending the retirement of all the outstanding preferred stock of the Association such percentage with respect to any one fiscal year shall not exceed the percentage rate of the cumulative dividend applicable to the preferred stock of the Association for that fiscal year.

"(d) Within ninety days following the effective date of the Housing Act of 1954, as of the day following a cutoff date to be determined by the Association, the Association is authorized and directed to issue and deliver to the Secretary of the Treasury, and the Secretary of the Treasury is authorized and directed to accept, preferred stock of the Association having an aggregate par value equal to the sum of (1) the amount of \$21,000,000 (being the amount of the original subscription for capital stock of \$20,000,000 and paid-in surplus of \$1,000,000 of the Association) and (2) an amount equal to the Association's surplus, surplus reserves, and undistributed earnings, computed as of the close of the cutoff date.

"(e) The preferred stock of the Association delivered to the Secretary of the Treasury pursuant to subsection (d) of this section shall be in exchange for (1) the note or notes evidencing the aforesaid original \$21,000,000 (upon which the accrued interest shall have been paid through the cutoff date referred to in subsection (d) of this section), and (2) the release to the Association of any and all rights

or claims which the United States might otherwise have or claim in and to the Association's capital, surplus, surplus reserves, and undistributed earnings, computed as of the close of the aforesaid cutoff date.

"(f) Notwithstanding any other provision of law, any institution, including a national bank or State member bank of the Federal Reserve System or any member of the Federal Deposit Insurance Corporation, trust company, or other banking organization, organized under any law of the United States, including the laws relating to the District of Columbia, shall be authorized to make payments to the Association of the nonrefundable capital contributions referred to in subsection (b) of this section, to receive stock of the Association evidencing such capital contributions, and to hold or dispose of such stock, subject to the provisions of this title.

"(g) As promptly as practicable after all of the preferred stock of the Association held by the Secretary of the Treasury has been retired, the Housing and Home Finance Administrator shall transmit to the President for submission to the Congress recommendations for such legislation as may be necessary or desirable to make appropriate provisions to transfer to the owners of the outstanding common stock of the Association the assets and liabilities of the Association in connection with, and the control and management of, the secondary market operations of the Association under section 304 of this title in order that such operations may thereafter be carried out by a privately owned and privately financed corporation.

Legislation.
Recommendation
to President and
Congress.

Intra.

"SECONDARY MARKET OPERATIONS

"SEC. 304. (a) To carry out the purposes set forth in paragraph (a) of section 301, the operations of the Association under this section shall be confined, so far as practicable, to mortgages which are deemed by the Association to be of such quality, type, and class as to meet, generally, the purchase standards imposed by private institutional mortgage investors and the Association shall not purchase any mortgage insured or guaranteed prior to the effective date of the Housing Act of 1954. In the interest of assuring sound operation, the prices to be paid by the Association for mortgages purchased in its secondary market operations under this section, should be established, from time to time, at the market price for the particular class of mortgages involved, as determined by the Association. The volume of the Association's purchases and sales, and the establishment of the purchase prices, sale prices, and charges or fees, in its secondary market operations under this section, should be determined by the Association from time to time, and such determinations should be consistent with the objectives that such purchases and sales should be effected only at such prices and on such terms as will reasonably prevent excessive use of the Association's facilities, and that the operations of the Association under this section should be within its income derived from such operations and that such operations should be fully self-supporting.

Ante, p. 612.

"(b) For the purposes of this section, the Association is authorized to issue, upon the approval of the Secretary of the Treasury, and have outstanding at any one time obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association with the approval of the Secretary of the Treasury, to be redeemable at the option of the Association before maturity in such manner as may be stipulated in such obligations; but the aggregate amount of obligations of the Association under this subsection outstanding at any one time shall not exceed ten times the sum of its capital, capital surplus, general surplus, reserves, and undis-

tributed earnings, and in no event shall any such obligations be issued if, at the time of such proposed issuance, and as a consequence thereof, the resulting aggregate amount of its outstanding obligations under this subsection would exceed the amount of the Association's ownership pursuant to this section, free from any liens or encumbrances, of cash, mortgages, and bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States. The Association shall insert appropriate language in all of its obligations issued under this subsection clearly indicating that such obligations, together with the interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the Association. The Association is authorized to purchase in the open market any of its obligations outstanding under this subsection at any time and at any price.

40 Stat. 288.
31 USC 774(2).

Post, p. 618.

“(c) The Secretary of the Treasury is authorized in his discretion to purchase any obligations issued pursuant to subsection (b) of this section, as now or hereafter in force, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include such purchases. The Secretary of the Treasury shall not at any time purchase any obligations under this subsection if (1) all of the preferred stock of the Association held by the Secretary of the Treasury has been retired, or (2) such purchase would increase the aggregate principal amount of his then outstanding holdings of such obligations under this subsection to an amount greater than \$500,000,000 plus an amount equal to the total of such reductions in the maximum dollar amount prescribed by section 306 (c) as have theretofore been effected pursuant to that section: *Provided*, That such aggregate principal amount under this subsection (c) shall in no event exceed \$1,000,000,000. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the making of such purchase. The Secretary of the Treasury may, at any time, sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

“(d) The Association may not purchase participations or make any advance contracts or commitments to purchase mortgages for its operations under this section, except that the Association may, in the discretion of its board of directors, issue a purchase contract (which shall not be assignable or transferable except with the consent of the Association) in an amount not exceeding the amount of the sale of mortgages purchased from the Association, entitling the holder thereof to sell to the Association mortgages in the amount of the contract, upon such terms and conditions as the Association may prescribe.

“SPECIAL ASSISTANCE FUNCTIONS

Ante, p. 612.

“SEC. 305. (a) To carry out the purposes set forth in paragraph (b) of section 301, the President, after taking into account (1) the conditions in the building industry and the national economy and (2) conditions affecting the home mortgage investment market, generally, or

affecting various types or classifications of home mortgages, or both, and after determining that such action is in the public interest, may under this section authorize the Association, for such period of time and to such extent as he shall prescribe, to exercise its powers to make commitments to purchase and to purchase such types, classes, or categories of home mortgages (including participations therein) as he shall determine.

“(b) The operations of the Association under this section shall be confined, so far as practicable, to mortgages (including participations) which are deemed by the Association to be of such quality as to meet, substantially and generally, the purchase standards imposed by private institutional mortgage investors but which, at the time of submission of the mortgages to the Association for purchase, are not necessarily readily acceptable to such investors. Subject to the provisions of this section, the prices to be paid by the Association for mortgages purchased in its operations under this section shall be established from time to time by the Association. The Association shall impose charges or fees for its services under this section with the objective that all costs and expenses of its operations under this section should be within its income derived from such operations and that such operations should be fully self-supporting.

“(c) The total amount of purchasers and commitments authorized by the President pursuant to subsection (a) of this section shall not exceed \$200,000,000 outstanding at any one time: *Provided*, That notwithstanding such limitation, the President pursuant to subsection (a) of this section may also authorize the Association to exercise its powers to enter into commitments to purchase immediate participations and to make related deferred participation agreements as hereinafter in this subsection provided, but only to the extent that the total amount of such immediate participation commitments and purchases pursuant thereto (but not including the amount of any related deferred participation agreements or purchases pursuant thereto) shall not in any event exceed \$100,000,000 outstanding at any one time, and any such deferred participation agreements shall be made by the Association only on the basis of a commitment by it to purchase an immediate participation of a 20 per centum undivided interest in each mortgage and a related deferred participation agreement by the Association to purchase the remaining outstanding interest in such mortgage conditional upon the occurrence of such a default as gives rise to the right to foreclose.

“(d) The Association may issue to the Secretary of the Treasury its obligations in an amount outstanding at any one time sufficient to enable the Association to carry out its functions under this section, such obligations to mature not more than five years from their respective dates of issue, to be redeemable at the option of the Association before maturity in such manner as may be stipulated in such obligations. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of the obligation of the Association. The Secretary of the Treasury is authorized to purchase any obligations of the Association to be issued under this section, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the Association's obligations hereunder.

"MANAGEMENT AND LIQUIDATING FUNCTIONS

Ante, p. 612.

Ante, p. 614.

"SEC. 306. (a) To carry out the purposes set forth in paragraph (c) of section 301, the Association is authorized and directed, as of the close of the cutoff date determined by the Association pursuant to section 303 (d) of this title, to establish separate accountability for all of its assets and liabilities (exclusive of capital, surplus, surplus reserves, and undistributed earnings to be evidenced by preferred stock as provided in section 303 (d) hereof, but inclusive of all rights and obligations under any outstanding contracts), and to maintain such separate accountability for the management and orderly liquidation of such assets and liabilities as provided in this section.

"(b) For the purposes of this section and to assure that, to the maximum extent, and as rapidly as possible, private financing will be substituted for Treasury borrowings otherwise required to carry mortgages held under the aforesaid separate accountability, the Association is authorized to issue, upon the approval of the Secretary of the Treasury, and have outstanding at any one time obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association with the approval of the Secretary of the Treasury, to be redeemable at the option of the Association before maturity in such manner as may be stipulated in such obligations; but in no event shall any such obligations be issued if, at the time of such proposed issuance, and as a consequence thereof, the resulting aggregate amount of its outstanding obligations under this subsection would exceed the amount of the Association's ownership under the aforesaid separate accountability, free from any liens or encumbrances, of cash, mortgages, and bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States. The proceeds of any private financing effected under this subsection shall be paid to the Secretary of the Treasury in reduction of the indebtedness of the Association to the Secretary of the Treasury under the aforesaid separate accountability. The Association shall insert appropriate language in all of its obligations issued under this subsection clearly indicating that such obligations, together with the interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the Association. The Association is authorized to purchase in the open market any of its obligations outstanding under this subsection at any time and at any price.

Ante, p. 614.

"(c) No mortgage shall be purchased by the Association in its operations under this section except pursuant to and in accordance with the terms of a contract or commitment to purchase the same made prior to the cutoff date provided for in section 303 (d), which contract or commitment became a part of the aforesaid separate accountability, and the total amount of mortgages and commitments held by the Association under this section shall not, in any event, exceed \$3,350,000,000: *Provided*, That such maximum amount shall be progressively reduced by the amount of cash realizations on account of principal of mortgages held under the aforesaid separate accountability and by cancellation of any commitments to purchase mortgages thereunder, as reflected by the books of the Association, with the objective that the entire aforesaid maximum amount shall be eliminated with the orderly liquidation of all mortgages held under the aforesaid separate accountability: *And provided further*, That nothing in this subsection shall preclude the Association from granting such usual and customary increases in the amounts of outstanding commitments (resulting from increased costs or otherwise) as have theretofore been covered by like increases in commitments granted by

the agencies of the Federal Government insuring or guaranteeing the mortgages. There shall be excluded from the total amounts set forth in this subsection and subsection (e) of this section the amounts of any mortgages which, subsequent to May 31, 1954, are transferred by law to the Association and held under the aforesaid separate accountability.

“(d) The Association may issue to the Secretary of the Treasury its obligations in an amount outstanding at any one time sufficient to enable the Association to carry out its functions under this section, such obligations to mature not more than five years from their respective dates of issue, to be redeemable at the option of the Association before maturity in such manner as may be stipulated in such obligations. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of the obligation of the Association. The Secretary of the Treasury is authorized to purchase any obligations of the Association to be issued under this section, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the Association's obligations hereunder.

40 Stat. 288.
31 USC 774(2).

“(e) Of the \$3,650,000,000 total amount of investments, loans, purchases, and commitments heretofore authorized to be outstanding at any one time under this title III prior to the enactment of the Housing Act of 1954, a total of not to exceed \$300,000,000 shall be applicable as provided in section 305 of this title, and a total of not to exceed \$3,350,000,000 shall be applicable as provided in subsection (c) of this section.

Ante, p. 616.

“SEPARATE ACCOUNTABILITY

“SEC. 307. (a) The Association shall establish and at all times maintain separate accountability for (1) its secondary market operations authorized by section 304 hereof, (2) its special assistance functions authorized by section 305 hereof, and (3) its management and liquidating functions authorized by section 306 hereof.

Ante, pp. 615,
616, 618.

“(b) With respect to the functions or operations of the Association under sections 305 and 306, respectively, of this title, (1) there shall be no recourse to the capitalization of the Association provided for by section 303 of this title, and (2) mortgage sellers shall not be required to make payment to the Association of the capital contributions provided for by section 303 (b) of this title.

Ante, pp. 616,
618.

Ante, p. 613.

“(c) All of the benefits and burdens incident to the administration of the functions and operations of the Association under sections 305 and 306, respectively, of this title, after allowance for related obligations of the Association, its prorated expenses, and the like, including amounts required for the establishment of such reserves as the board of directors of the Association shall deem appropriate, shall inure solely to the Secretary of the Treasury, and such related earnings or other amounts as become available shall be paid annually by the Association to the Secretary of the Treasury for covering into miscellaneous receipts.

Ante, pp. 616,
618.

"BOARD OF DIRECTORS

Members.

"SEC. 308. (a) The Association shall have a Board of Directors consisting of five persons, one of whom shall be the Housing and Home Finance Administrator as Chairman of the Board, and four of whom shall be appointed by said Administrator from among the officers or employees of the Association, of the immediate office of said Administrator, or (with the consent of the head of such department or agency) of any other department or agency of the Federal Government. The board of directors shall meet at the call of its chairman, who shall require it to meet not less often than once each month. Within the limitations of law, the board shall determine the general policies which shall govern the operations of the Association. The chairman of the board shall select and effect the appointment of qualified persons to fill the offices of president and vice president, and such other offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the board of directors, and such persons shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties. The basic rate of compensation of the position of president of the Association shall be the same as the basic rate of compensation established for the heads of the constituent agencies of the Housing and Home Finance Agency. The members of the board, as such, shall not receive compensation for their services.

Chairman.

Compensation.

"GENERAL POWERS

"SEC. 309. (a) The Association shall have power to adopt, alter, and use a corporate seal, which shall be judicially noticed; by its board of directors, to adopt, amend, and repeal bylaws governing the performance of the powers and duties granted to or imposed upon it by law; to enter into and perform contracts, leases, cooperative agreements, or other transactions, on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, Territory, or possession, or the Commonwealth of Puerto Rico, or with any political subdivision thereof, or with any person, firm, association, or corporation; to execute, in accordance with its bylaws, all instruments necessary or appropriate in the exercise of any of its powers; in its corporate name, to sue and to be sued, and to complain and to defend, in any court of competent jurisdiction, State or Federal, but no attachment, injunction, or other similar process, mesne or final, shall be issued against the property of the Association or against the Association with respect to its property; to conduct its business in any State of the United States, including the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States; to lease, purchase, or acquire any property, real, personal, or mixed, or any interest therein, to hold, rent, maintain, modernize, renovate, improve, use, and operate such property, and to sell, for cash or credit, lease, or otherwise dispose of the same, at such time and in such manner as and to the extent that the Association may deem necessary or appropriate; to prescribe, repeal, and amend or modify, rules, regulations, or requirements governing the manner in which its general business may be conducted; to accept gifts or donations of services, or of property, real, personal, or mixed, tangible, or intangible, in aid of any of the purposes of the Association; and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"(b) Except as may be otherwise provided in this title, in the Government Corporation Control Act, or in other laws specifically applicable to Government corporations, the Association shall determine

the necessity for and the character and amount of its obligations and expenditures and the manner in which they shall be incurred, allowed, paid, and accounted for.

“(c) The Association, including its franchise, capital, reserves, surplus, mortgages, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that (1) any real property of the Association shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, and (2) the Association shall, with respect to its secondary market operations under section 304 after the cutoff date referred to in section 303 (d) of this title, pay annually to the Secretary of the Treasury, for covering into miscellaneous receipts, an amount equivalent to the amount of Federal income taxes for which it would be subject if it were not exempt from such taxes with respect to such secondary market operations.

Ante, pp. 615, 613.

“(d) The Chairman of the Board shall have power to select and appoint or employ such officers, attorneys, employees, and agents, to vest them with such powers and duties, and to fix and to cause the Association to pay such compensation to them for their services, as he may determine, subject to the civil service and classification laws. Bonds may be required for the faithful performance of their duties, and the Association may pay the premiums therefor. With the consent of any Government corporation or Federal Reserve bank, or of any board, commission, independent establishment, or executive department of the Government, the Association may avail itself on a reimbursable basis of the use of information, services, facilities, officers, and employees thereof, including any field service thereof, in carrying out the provisions of this title.

“(e) No individual, association, partnership, or corporation, except the body corporate created by section 302 of this title, shall hereafter use the words ‘Federal National Mortgage Association’ or any combination of such words, as the name or a part thereof under which he or it shall do business. Every individual, partnership, association, or corporation violating this prohibition shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding \$100 or imprisonment not exceeding thirty days, or both, for each day during which such violation is committed or repeated.

Prohibition.
Ante, p. 613.

Penalty.

“(f) In order that the Association may be supplied with such forms of obligations or certificates as it may need for issuance under this title, the Secretary of the Treasury is authorized, upon request of the Association, to prepare such forms as shall be suitable and approved by the Association, to be held in the Treasury subject to delivery, upon order of the Association. The engraved plates, dies, bed pieces, and other material executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Association shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such forms.

“(g) The Federal Reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the Association in the general performance of its powers, and the Association shall reimburse such Federal Reserve banks for such services in such manner as may be agreed upon.

“INVESTMENT OF FUNDS

“SEC. 310. Moneys of the Association not invested in mortgages or in operating facilities shall be kept in cash on hand or on deposit, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States.

"OBLIGATIONS OF ASSOCIATION LEGAL INVESTMENTS

"SEC. 311. All obligations issued by the Association shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority and control of the United States or any officer or officers thereof.

"SHORT TITLE

"SEC. 312. This title III may be referred to as the 'Federal National Mortgage Association Charter Act'."

SEC. 202. The Federal National Mortgage Association, established pursuant to the provisions of title III of the National Housing Act as in effect prior to July 1, 1948, and named in section 101 of the Government Corporation Control Act, as amended, shall be the body corporate referred to in section 302 of title III of the National Housing Act, as amended by the Housing Act of 1954.

59 Stat. 597.
31 USC 846.

Ante, p. 613.

12 USC 24.

SEC. 203. The penultimate sentence of paragraph Seventh of section 5136 of the Revised Statutes, as amended, is hereby amended by striking "or obligations of national mortgage associations" and inserting "or obligations of the Federal National Mortgage Association".

47 Stat. 734.
12 USC 1431.

12 USC 1436.

SEC. 204. (a) Subsection (h) of section 11 of the Federal Home Loan Bank Act, as amended, is hereby amended by inserting after "in obligations of the United States" a comma and the following: "in obligations of the Federal National Mortgage Association,". The last sentence of section 16 of said Act is amended by inserting after "in direct obligations of the United States" a comma and the following: "in obligations of the Federal National Mortgage Association,".

48 Stat. 132.
12 USC 1464.

(b) The first paragraph of subsection (c) of section 5 of the Home Owners' Loan Act of 1933, as amended, is hereby amended by inserting in the second proviso before the colon and after "Federal Home Loan Bank" the following: "or in the obligations of the Federal National Mortgage Association".

Repeals.
63 Stat. 58.
48 USC 484e.

SEC. 205. Subsection (b) of section 2 of the Alaska Housing Act, as amended, is hereby repealed.

65 Stat. 699,
315.
12 USC 1716-1,
1716a.

Transfer of func-
tions.

64 Stat. 1277.
12 USC 1716
note.

SEC. 206. Public Law 243, Eighty-second Congress, approved October 30, 1951, as amended, is hereby repealed. Subsection (a) of section 608 of Public Law 139, Eighty-second Congress, approved September 1, 1951, is hereby repealed.

SEC. 207. The functions of the Housing and Home Finance Administrator (including the function of making payments to the Secretary of the Treasury) under section 2 of Reorganization Plan Numbered 22 of 1950, together with the notes and capital stock of the Federal National Mortgage Association held by said Administrator thereunder, are hereby transferred to the Federal National Mortgage Association.

TITLE III—SLUM CLEARANCE AND URBAN RENEWAL

63 Stat. 416.
42 USC 1451-
1460.

SEC. 301. The heading of title I of the Housing Act of 1949, as amended, is hereby amended to read "TITLE I—SLUM CLEARANCE AND URBAN RENEWAL".

SEC. 302. Title I of said Act, as amended, is hereby amended by inserting the following new section immediately after the heading of title I:

"URBAN RENEWAL FUND

Post, p. 624.

"SEC. 100. The authorizations, funds, and appropriations available pursuant to sections 102 and 103 hereof shall constitute a fund, to be known as the 'Urban Renewal Fund', and shall be available for ad-

vances, loans, and capital grants to local public agencies for urban renewal projects in accordance with the provisions of this title, and all contracts, obligations, assets, and liabilities existing under or pursuant to said sections prior to the enactment of the Housing Act of 1954 are hereby transferred to said Fund."

SEC. 303. Section 101 of said Act, as amended, is hereby amended to read as follows:

"SEC. 101. (a) In entering into any contract for advances for surveys, plans, and other preliminary work for projects under this title, the Administrator shall give consideration to the extent to which appropriate local public bodies have undertaken positive programs (through the adoption, modernization, administration, and enforcement of housing, zoning, building and other local laws, codes and regulations relating to land use and adequate standards of health, sanitation, and safety for buildings, including the use and occupancy of dwellings) for (1) preventing the spread or recurrence in the community of slums and blighted areas, and (2) encouraging housing cost reductions through the use of appropriate new materials, techniques, and methods in land and residential planning, design, and construction, the increase of efficiency in residential construction, and the elimination of restrictive practices which unnecessarily increase housing costs.

"(b) In the administration of this title, the Administrator shall encourage the operations of such local public agencies as are established on a State, or regional (within a State), or unified metropolitan basis or as are established on such other basis as permits such agencies to contribute effectively toward the solution of community development or redevelopment problems on a State, or regional (within a State), or unified metropolitan basis.

"(c) No contract shall be entered into for any loan or capital grant under this title, or for annual contributions or capital grants pursuant to the United States Housing Act of 1937, as amended, for any project or projects not constructed or covered by a contract for annual contributions prior to the effective date of the Housing Act of 1954, and no mortgage shall be insured, and no commitment to insure a mortgage shall be issued, under section 220 or 221 of the National Housing Act, as amended, unless (1) there is presented to the Administrator by the locality a workable program (which shall include an official plan of action, as it exists from time to time, for effectively dealing with the problem of urban slums and blight within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life) for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated, or slum areas, or to undertake such of the aforesaid activities or other feasible community activities as may be suitably employed to achieve the objectives of such a program, and (2) on the basis of his review of such program, the Administrator determines that such program meets the requirements of this subsection and certifies to the constituent agencies affected that the Federal assistance may be made available in such community: *Provided*, That this sentence shall not apply to the insurance of, or commitment to insure, a mortgage under section 220 of the National Housing Act, as amended, if the mortgaged property is in an area referred to in clause (A) (i) of paragraph (1) of section 220 (d), or under section 221 of the National Housing Act, as amended, if the mortgaged property is in a community referred to in clause (2) of section 221 (a) of said Act: *And provided further*,

42 USC 1451.

Local programs.

Requirements.

50 Stat. 888.
42 USC 1430.*Ante*, pp. 596,
599.

That, notwithstanding any other provisions of law which would authorize such delegation or transfer, there shall not be delegated or transferred to any other official (except an officer or employee of the Housing and Home Finance Agency serving as Acting Administrator during the absence or disability of the Administrator or in the event of a vacancy in that office) the final authority vested in the Administrator (i) to determine whether any such workable program meets the requirements of this subsection, (ii) to make the certification that Federal assistance of the types enumerated in this subsection may be made available in such community, (iii) to make the certifications as to the maximum number of dwelling units needed for the relocation of families to be displaced as a result of governmental action in a community and who would be eligible to rent or purchase dwelling accommodations in properties covered by mortgage insurance under section 221 of the National Housing Act, as amended, or (iv) to determine that the relocation requirements of section 105 (c) of this title have been met.

Ante, p. 599.

Post, p. 625.

Urban renewal service.

“(d) The Administrator is authorized to establish facilities (1) for furnishing to communities, at their request, an urban renewal service to assist them in the preparation of a workable program as referred to in the preceding subsection and to provide them with technical and professional assistance for planning and developing local urban renewal programs, and (2) for the assembly, analysis and reporting of information pertaining to such programs.”

42 USC 1452.

Temporary and definitive plans.

SEC. 304. Section 102 of said Act, as amended, is hereby amended—

(1) by amending the first sentence in subsection (a) to read as follows: “To assist local communities in the elimination of slums and blighted or deteriorated or deteriorating areas, in preventing the spread of slums, blight or deterioration, and in providing maximum opportunity for the redevelopment, rehabilitation, and conservation of such areas by private enterprise, the Administrator may make temporary and definitive loans to local public agencies in accordance with the provisions of this title for the undertaking of urban renewal projects.”;

(2) by inserting in the second sentence of subsection (a) before the word “expenditures” the word “estimated” and by inserting after the word “bonds” the words “or other obligations”;

(3) by striking out “new uses of land in the project area” at the end of the first sentence of subsection (b) and inserting “new uses of such land in the project area”;

(4) by striking out the words “bear interest as such rate” in the second sentence of subsection (b) and inserting “bear interest at such rate”; and

(5) by amending subsection (d) to read as follows:

Advances for surveys and plans.

“(d) The Administrator may make advances of funds to local public agencies for surveys and plans for urban renewal projects which may be assisted under this title, including, but not limited to, (i) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of State and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (iii) appraisals, title searches, and other preliminary work necessary to prepare for the acquisition of land in connection with the undertaking of such projects. The contract for any such advance of funds shall be made upon the condition that such advance of funds shall be repaid, with interest at not less than the applicable going Federal rate, out of any moneys which become available to the local public agency for the undertaking of

Repayment.

the project involved. No contract for any such advances of funds for surveys and plans for urban renewal projects which may be assisted under this title shall be made unless the governing body of the locality involved has by resolution or ordinance approved the undertaking of such surveys and plans and the submission by the local public agency of an application for such advance of funds."

SEC. 305. Subsection (a) of section 103 of said Act, as amended, is hereby amended to read as follows:

"(a) The Administrator may make capital grants to local public agencies in accordance with the provisions of this title for urban renewal projects: *Provided*, That the Administrator shall not make any contract for capital grant with respect to a project which consists of open land. The aggregate of such capital grants with respect to all the projects of a local public agency on which contracts for capital grants have been made under this title shall not exceed two-thirds of the aggregate of the net project costs of such projects, and the capital grant with respect to any individual project shall not exceed the difference between the net project cost and the local grants-in-aid actually made with respect to the project."

SEC. 306. Section 104 of said Act, as amended, is hereby amended by striking "section 110 (f) of land" and inserting "section 110 (f) of the property".

SEC. 307. Section 105 of said Act, as amended, is hereby amended—

(1) by striking "Contracts for financial aid" and inserting "Contracts for loans or capital grants";

(2) by amending subsections (a) and (b) to read as follows:

"(a) The urban renewal plan (including any redevelopment plan constituting a part thereof) for the urban renewal area be approved by the governing body of the locality in which the project is situated, and that such approval include findings by the governing body that (i) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the urban renewal plan; (ii) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and (iii) the urban renewal plan conforms to a general plan for the development of the locality as a whole;

"(b) When real property acquired or held by the local public agency in connection with the project is sold or leased, the purchasers or lessees and their assignees shall be obligated (i) to devote such property to the uses specified in the urban renewal plan for the project area; (ii) to begin within a reasonable time any improvements on such property required by the urban renewal plan; and (iii) to comply with such other conditions as the Administrator finds, prior to the execution of the contract for loan or capital grant pursuant to this title, are necessary to carry out the purposes of this title: *Provided*, That clause (ii) of this subsection shall not apply to mortgagees and others who acquire an interest in such property as the result of the enforcement of any lien or claim thereon;"

(3) by striking the word "project" wherever it appears in subsection (c) and inserting the term "urban renewal"; and

(4) by striking out the proviso at the end of subsection (c), and substituting a period for the colon preceding said proviso.

SEC. 308. Section 106 of said Act, as amended, is hereby amended by inserting the following proviso before the period at the end of subsection (b): "*Provided*, That necessary expenses of inspections and audits, and of providing representatives at the site, of projects being

Application.

42 USC 1453.

Capital grants.

42 USC 1454.
Local grants-in-aid.

42 USC 1455.
Loans or capital grants.
Requirements.

Approval plan.

Obligation of purchasers, etc.

42 USC 1456.

Audit and inspection fees.

planned or undertaken by local public agencies pursuant to this title shall be compensated by such agencies by the payment of fixed fees which in the aggregate will cover the costs of rendering such services, and such expenses shall be considered nonadministrative; and for the purpose of providing such inspections and audits and of providing representatives at the sites, the Administrator may utilize any agency and such agency may accept reimbursement or payment for such services from such local public agencies or the Administrator, and credit such amounts to the appropriations or funds against which such charges have been made”.

42 USC 1457.

SEC. 309. Section 107 of said Act, as amended, is hereby amended by striking out the words “redevelopment plan” and inserting “urban renewal plan”.

42 USC 1459.

SEC. 310. Section 109 of said Act, as amended, is hereby amended to read as follows:

Protection of
labor standards.

“SEC. 109. In order to protect labor standards—

“(a) any contract for loan or capital grant pursuant to this title shall contain a provision requiring that not less than the salaries prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Administrator, shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development of the project involved and shall also contain a provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics, except such laborers or mechanics who are employees of municipalities or other local public bodies, employed in the development of the project involved for work financed in whole or in part with funds made available pursuant to this title; and the Administrator shall require certification as to compliance with the provisions of this paragraph prior to making any payment under such contract; and

40 USC 276a-
276a-5.

“(b) the provisions of title 18, United States Code, section 874, and of title 40, United States Code, section 276c, shall apply to work financed in whole or in part with funds made available for the development of a project pursuant to this title”.

62 Stat. 740; 48
Stat. 948.

42 USC 1460.

SEC. 311. Section 110 of said Act, as amended, is hereby amended to read as follows:

Definitions.

“SEC. 110. The following terms shall have the meanings, respectively, ascribed to them below, and, unless the context clearly indicates otherwise, shall include the plural as well as the singular number:

“Urban renewal
areas.”

“(a) ‘Urban renewal area’ means a slum area or a blighted, deteriorated, or deteriorating area in the locality involved which the Administrator approves as appropriate for an urban renewal project.

“Urban renewal
plan.”

“(b) ‘Urban renewal plan’ means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan of the locality as a whole and to the workable program referred to in section 101 hereof; (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan’s relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; and (3) shall include, for any part of the urban renewal area proposed to be acquired and redeveloped in accordance with clause (1) of the second sentence of subsection (c) of this

Ante, p. 623.

section, a redevelopment plan approved by the governing body of the locality.

"(c) 'Urban renewal project' or 'project' may include undertakings and activities of a local public agency in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof, in accordance with such urban renewal plan. For the purposes of this subsection, 'slum clearance and redevelopment' may include (1) acquisition of (i) a slum area or a deteriorated or deteriorating area, or (ii) land which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community, or (iii) open land necessary for sound community growth which is to be developed for predominantly residential uses: *Provided*, That the requirement in paragraph (a) of this section that the area be a slum area or a blighted, deteriorated, or deteriorating area shall not be applicable in the case of an open land project: *And provided further*, That financial assistance shall not be extended under this title for any project involving slum clearance and redevelopment of an area which is not clearly predominantly residential in character unless such area is to be redeveloped for predominantly residential uses, except that, where such an area which is not predominantly residential in character contains a substantial number of slum, blighted, deteriorated, or deteriorating dwellings or other living accommodations, the elimination of which would tend to promote the public health, safety and welfare in the locality involved and such area is not appropriate for redevelopment for predominantly residential uses, the Administrator may extend financial assistance for such a project, but the aggregate of the capital grants made pursuant to this title with respect to such projects shall not exceed 10 per centum of the total amount of capital grants authorized by this title; (2) demolition and removal of buildings and improvements; (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal objectives of this title in accordance with the urban renewal plan; and (4) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the local public agency itself) at its fair value for uses in accordance with the urban renewal plan. For the purposes of this subsection, 'rehabilitation' or 'conservation' may include the restoration and renewal of a blighted, deteriorated, or deteriorating area by (1) carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan; (2) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (3) installation, construction, or reconstruction, of such improvements as are described in clause (3) of the preceding sentence; and (4) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the local public agency itself) at its fair value for uses in accordance with the urban renewal plan.

"For the purposes of this title, the term 'project' shall not include the construction or improvement of any building, and the term 'rede-

"Urban renewal project."

"Project."

Ante, p. 626.

"Local grants-in-aid."

velopment' and derivatives thereof shall mean development as well as redevelopment. For any of the purposes of section 109 hereof, the term 'project' shall not include any donations or provisions made as local grants-in-aid and eligible as such pursuant to clauses (2) and (3) of section 110 (d) hereof.

"(d) 'Local grants-in-aid' shall mean assistance by a State, municipality, or other public body, or (in the case of cash grants or donations of land or other real property) any other entity, in connection with any project on which a contract for capital grant has been made under this title, in the form of (1) cash grants; (2) donations, at cash value, of land or other real property (exclusive of land in streets, alleys, and other public rights-of-way which may be vacated in connection with the project) in the urban renewal area, and demolition, removal, or other work or improvements in the urban renewal area, at the cost thereof, of the types described in clause (2) and clause (3) of either the second or third sentence of section 110 (c); and (3) the provision, at their cost, of public buildings or other public facilities (other than publicly owned housing, public facilities financed by special assessments against land in the project area, and revenue producing public utilities the capital cost of which is wholly financed with local bonds or obligations payable solely out of revenues derived from service charges) which are necessary for carrying out in the area the urban renewal objectives of this title in accordance with the urban renewal plan: *Provided*, That in any case where, in the determination of the Administrator, any park, playground, public building, or other public facility is of direct benefit both to the urban renewal area and to other areas, and the approximate degree of the benefit to such other areas is estimated by the Administrator at 20 per centum or more of the total benefits, the Administrator shall provide that, for the purpose of computing the amount of the local grants-in-aid for the project, there shall be included only such portion of the cost of such facility as the Administrator estimates to be proportionate to the approximate degree of the benefit of such facility to the urban renewal area: *And provided further*, That for the purpose of computing the amount of local grants-in-aid under this section 110 (d), the estimated cost (as determined by the Administrator) of parks, playgrounds, public buildings, or other public facilities may be deemed to be the actual cost thereof if (i) the construction or provision thereof is not completed at the time of final disposition of land in the project to be acquired and disposed of under the urban renewal plan, and (ii) the Administrator has received assurances satisfactory to him that such park, playground, public building, or other public facility will be constructed or completed when needed and within a time prescribed by him. With respect to any demolition or removal work, improvement or facility for which a State, municipality, or other public body has received or has contracted to receive any grant or subsidy from the United States, or any agency or instrumentality thereof, the portion of the cost thereof defrayed or estimated by the Administrator to be defrayed with such subsidy or grant shall not be eligible for inclusion as a local grant-in-aid.

"Gross project cost."

"(e) 'Gross project cost' shall comprise (1) the amount of the expenditures by the local public agency with respect to any and all undertakings necessary to carry out the project (including the payment of carrying charges, but not beyond the point where the project is completed), and (2) the amount of such local grants-in-aid as are furnished in forms other than cash.

"Net project cost."

"(f) 'Net project cost' shall mean the difference between the gross project cost and the aggregate of (1) the total sales prices of all land or other property sold, and (2) the total capital values (i) imputed,

on a basis approved by the Administrator, to all land or other property leased, and (ii) used as a basis for determining the amounts to be transferred to the project from other funds of the local public agency to compensate for any land or other property retained by it for use in accordance with the urban renewal plan.

"(g) 'Going Federal rate' means (with respect to any contract for a loan or advance entered into after the first annual rate has been specified as provided in this sentence) the annual rate of interest which the Secretary of the Treasury shall specify as applicable to the six-month period (beginning with the six-month period ending December 31, 1953) during which the contract for loan or advance is approved by the Administrator, which applicable rate for each six-month period shall be determined by the Secretary of the Treasury by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such six-month period, on all outstanding marketable obligations of the United States having a maturity date of fifteen or more years from the first day of such month of May or November, and by adjusting such estimated average annual yield to the nearest one-eighth of 1 per centum. Any contract for loan made may be revised or superseded by a later contract, so that the going Federal rate, on the basis of which the interest rate on the loan is fixed, shall mean the going Federal rate, as herein defined, on the date that such contract is revised or superseded by such later contract.

"Going Federal rate."

"(h) 'Local public agency' means any State, county, municipality, or other governmental entity or public body, or two or more such entities or bodies, authorized to undertake the project for which assistance is sought. 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

"Local public agency."

"(i) 'Land' means any real property, including improved or unimproved land, structures, improvements, easements, incorporeal hereditaments, estates, and other rights in land, legal or equitable.

"Land."

"(j) 'Administrator' means the Housing and Home Finance Administrator."

"Administrator."

SEC. 312. Notwithstanding the amendments of this title to title I of the Housing Act of 1949, as amended, the Administrator, with respect to any project covered by any Federal aid contract executed, or prior approval granted, by him under said title I before the effective date of this Act, upon request of the local public agency, shall continue to extend financial assistance for the completion of such project in accordance with the provisions of said title I in force immediately prior to the effective date of this Act.

Completion of prior projects.

SEC. 313. The provisos with respect to the appropriation for capital grants for slum clearance and urban redevelopment contained in title I of the First Independent Offices Appropriation Act, 1954 (Public Law 176, Eighty-third Congress) and in title I of the Independent Offices Appropriation Act, 1955 (Public Law 428, Eighty-third Congress) are hereby repealed.

Repeals.

67 Stat. 305.
Ante, p. 283.

SEC. 314. The Housing and Home Finance Administrator is authorized to make grants, subject to such terms and conditions as he shall prescribe, to public bodies, including cities and other political subdivisions, to assist them in developing, testing, and reporting methods and techniques, and carrying out demonstrations and other activities for the prevention and the elimination of slums and urban blight. No such grant shall exceed two-thirds of the cost, as determined or estimated by said Administrator, of such activities or undertakings. In administering this section, said Administrator shall give preference to

Grants for testing and reporting methods, etc.

Limitation.

- those undertakings which in his judgment can reasonably be expected to (1) contribute most significantly to the improvement of methods and techniques for the elimination and prevention of slums and blight, and (2) best serve to guide renewal programs in other communities.
- Advances.** Said Administrator may make advance or progress payments on account of any grant contracted to be made pursuant to this section, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended. The aggregate amount of grants made under this section shall not exceed \$5,000,000 and shall be payable from the capital grant funds provided under and authorized by section 103 (b) of the Housing Act of 1949, as amended.
- 31 USC 529.**
- Limitation.**
- 42 USC 1453.**
- D. C. urban renewal activities.**
- 60 Stat. 801.**
D. C. Code 5-717.
- D. C. Code 5-718.**
- Program preparation.**
Ante, p. 623.
- SEC. 315.** Section 19 of the District of Columbia Redevelopment Act of 1945, as amended, is hereby amended by striking "\$2,000" in subsection (a) and subsection (b) and inserting in each instance "\$2,500 unless insured as provided in title I of the National Housing Act, as amended".
- SEC. 316.** Section 20 of the District of Columbia Redevelopment Act of 1945, as amended, is hereby amended—
- (1) by striking "1949" wherever it appears in said section and inserting "1949, as amended": *Provided*, That this clause (1) shall not limit or restrict any authority under said section 20; and
- (2) by adding the following new subsections at the end of said section:
- "(i) In addition to its authority under any other provision of this Act, the Agency is hereby authorized to plan and undertake urban renewal projects (as such projects are defined in title I of the Housing Act of 1949, as amended), and in connection therewith the Agency, the District Commissioners, the National Capital Planning Commission, and the other appropriate agencies operating within the District of Columbia shall have all of the rights and powers which they have with respect to a project or projects financed in accordance with the preceding subsections of this section: *Provided*, That for the purpose of this subsection the word 'redevelopment' wherever found in this Act (except in section 3 (n)) shall mean 'urban renewal', and the references in section 6 to the acquisition, disposition, or assembly of real property for a project shall mean the undertaking of an urban renewal project.
- "(j) The District Commissioners are hereby authorized to prepare a workable program as prescribed by section 101 (c) of the Housing Act of 1949, as amended, and are also authorized to request the necessary funds for the preparation of said workable program. The Commissioners may request the participation of the Agency in the preparation of said workable program and may include in their annual estimates of appropriations such funds as may be required by the Commissioners or the Agency, or both, for this purpose. The District Commissioners are hereby authorized, with or without reimbursement, to cooperate with the Agency in carrying out urban renewal projects and to utilize for that purpose the facilities and personnel of the District of Columbia under agreement with the Agency."

TITLE IV—LOW-RENT PUBLIC HOUSING

- 50 Stat. 888.**
42 USC 1436.
- 42 USC 1410.**
- Additional units.**
- SEC. 401.** The United States Housing Act of 1937, as amended, is hereby amended—
- (1) by adding at the end of section 10 the following new subsection:
- "(i) Notwithstanding the provisions of any other law, the Public Housing Administration may, with respect to low-rent housing projects initiated after March 1, 1949, enter into new contracts, agree-

ments, or other arrangements during the fiscal year 1955 for loans and annual contributions pursuant to the United States Housing Act of 1937, as amended, with respect to not exceeding thirty-five thousand additional units: *Provided*, That no such new contract, agreement, or other arrangement shall be made except with respect to low-rent housing projects to be undertaken in a community in which there is being carried out a slum clearance and urban redevelopment project, or a slum clearance and urban renewal project, assisted under title I of the Housing Act of 1949, as amended, and the local governing body of the community undertaking such slum clearance and urban redevelopment project, or slum clearance and urban renewal project, certifies that such low-rent housing project is necessary to assist in meeting the relocation requirements of section 105 (c) of title I of the Housing Act of 1949, as amended: *And provided further*, That the total number of dwelling units in low-rent housing projects covered by such new contracts, agreements, or other arrangements shall not exceed the total number of such dwelling units which the Administrator determines to be needed for the relocation of families to be displaced as a result of Federal, State, or local governmental action in such community.”;

42 USC 1430.
Certification.

Ante, p. 622.

Ante, p. 625.
Limitation.

Preferences for
admission.

(2) by striking from subsection 10 (g) the words following the colon up to and including the words “such families” and inserting the following: “First, to families which are to be displaced by any low-rent housing project or by any public slum-clearance, redevelopment or urban renewal project, or through action of a public body or court, either through the enforcement of housing standards or through the demolition, closing, or improvement of dwelling units, or which were so displaced within three years prior to making application to such public housing agency for admission to any low-rent housing: *Provided*, That as among such projects or actions the public housing agency may from time to time extend a prior preference or preferences: *And provided further*, That, as among families within any such preference group”;

(3) by striking the words “or was to be displaced by another low-rent housing project or by a public slum-clearance or redevelopment project” in clause (ii) of subsection 15 (8) (b) and inserting the following: “or was to be displaced by any low-rent housing project or by any public slum-clearance, redevelopment or urban renewal project, or through action of a public body or court, either through the enforcement of housing standards or through the demolition, closing, or improvement of a dwelling unit or units”; and

Low income fam-
ilies.

42 USC 1415.

(4) by striking the words “not later than five years after March 1, 1949” in subsection 15 (8) (b) and inserting “not later than March 1, 1959”.

SEC. 402. Subsection 10 (h) of said Act, as amended, is hereby amended to read as follows:

42 USC 1410.

Exemption of
property from taxes.

“(h) Every contract made pursuant to this Act for annual contributions for any low-rent housing project initiated after March 1, 1949, shall provide that no annual contributions by the Authority shall be made available for such project unless such project is exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivisions, but such contract shall require the public housing agency to make payments in lieu of taxes equal to 10 per centum of the annual shelter rents charged in such project or such lesser amount as (i) is prescribed by State law, or (ii) is agreed to by the local governing body in its agreement for local cooperation with the public housing agency required under subsection 15 (7) (b) (i) of this Act, or (iii) is due to failure of a local public

Payments in lieu
of taxes.

Limitation.	body or bodies other than the public housing agency to perform any obligation under such agreement: <i>Provided</i> , That, if at the time such agreement for local cooperation is entered into it appears that such 10 per centum payments in lieu of taxes will not result in a contribution to the project through tax exemption by the State, city, county, or other political subdivisions in which the project is situated of at least 20 per centum of the annual contributions to be paid by the Authority, the amounts of such payments in lieu of taxes shall be limited by the agreement to amounts, if any, which would not reduce the local contribution below such 20 per centum: <i>Provided further</i> , That, with respect to any such project which is not exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivisions, such contract shall provide, in lieu of the requirement for tax exemption and payments in lieu of taxes, that no annual contributions by the Authority shall be made available for such project unless and until the State, city, county, or other political subdivisions in which such project is situated shall contribute, in the form of cash or tax remission, an amount equal to the greater of (i) the amount by which the taxes paid with respect to the project exceed 10 per centum of the annual shelter rents charged in such project or (ii) 20 per centum of the annual contributions paid by the Authority (but not in excess of the taxes levied): <i>And provided further</i> , That, prior to execution of the contract for annual contributions the public housing agency shall, in the case of a tax-exempt project, notify the governing body of the locality of its estimate of the annual amount of such payments in lieu of taxes and of the amount of taxes which would be levied if the property were privately owned, or, in the case where the project is taxed, its estimate of the annual amount of the local cash contribution, and shall thereafter include the actual amounts in its annual reports. Contracts for annual contributions entered into prior to the effective date of the Housing Act of 1954 may be amended in accordance with the first sentence of this subsection."
State contribution.	
Notification of estimates.	
Annual report. Prior contract amendment.	
42 USC 1410.	SEC. 403. Section 10 of said Act, as amended, is hereby amended by adding the following new subsection:
Self-liquidation.	"(j) Every contract made pursuant to this Act for annual contributions for any low-rent housing project for which no such contract has been entered into prior to the enactment of the Housing Act of 1954 shall provide that— "(1) after payment in full of all obligations of the public housing agency in connection with the project for which any annual contributions are pledged, and until the total amount of annual contributions paid by the Authority in respect to such project has been repaid pursuant to the provisions of this subsection, (a) all receipts in connection with the project in excess of expenditures necessary for management, operation, maintenance, or financing, and for reasonable reserves therefor, shall be paid annually to the Authority and to local public bodies which have contributed to the project in the form of tax exemption or otherwise, in proportion to the aggregate contribution which the Authority and such local public bodies have made to the project, and (b) no debt in respect to the project, except for necessary expenditures for the project, shall be incurred by the public housing agency; "(2) if, at any time, the project or any part thereof is sold, such sale shall be to the highest responsible bidder after advertising, or at fair market value, and the proceeds of such sale together with any reserves, after application to any outstanding debt of the public housing agency in respect to such project, shall be paid to the Authority and local public bodies as provided in

clause 1 (a) of this subsection: *Provided*, That the amounts to be paid to the Authority and the local public bodies shall not exceed their respective total contribution to the project.”

SEC. 404. Paragraph (6) of section 16 of said Act, as amended, is hereby repealed.

SEC. 405. Section 10 of the United States Housing Act of 1937, as amended, is hereby amended by adding the following subsection:

“(k) All expenditures of appropriations for the payment of annual contributions shall be subject to audit and final settlement by the Comptroller General of the United States under the provisions of the Budget and Accounting Act of 1921, as amended.”

SEC. 406. Section 10 of said Act, as amended, is hereby amended by adding the following new subsection:

“(1) In any community where it has been determined by resolution or ordinance, or by referendum, that a project shall be liquidated by sale thereof to private ownership, such community may negotiate with the Federal Government with respect to the sale of the project, and the Authority shall agree that sale of the project may be made after public advertisement to the highest bidder upon (1) payment and retirement of all outstanding obligations (together with any interest payable thereon and any premiums prescribed for the redemption of any bonds, notes, or other obligations prior to maturity) in connection with the project, and (2) payment of any proceeds received from the sale of the project in excess of the amounts required to comply with the requirements of the preceding clause numbered (1) to the Authority and to local public bodies in proportion to the aggregate contribution which the Authority and such local public bodies have made to the project.”

42 USC 1416(6).
Repeal of labor
reporting require-
ment.
42 USC 1410.
GAO audit and
settlement.
42 Stat. 20.
31 USC 1.

Sale to private
ownership.

TITLE V—HOME LOAN BANK BOARD

SEC. 501. The National Housing Act, as amended, is hereby amended—

(1) by amending section 402 (c) (4) to read as follows:

“(4) To sue and be sued, complain and defend, in any court of competent jurisdiction in the United States or its Territories or possessions or the Commonwealth of Puerto Rico, and may be served by serving a copy of process on any of its agents or any agent of the Home Loan Bank Board and mailing a copy of such process by registered mail to the Corporation at Washington, District of Columbia.”;

(2) by adding the following new subsection to section 405:

“(c) No action against the Corporation to enforce a claim for payment of insurance upon an insured account of an insured institution in default shall be brought after the expiration of three years from the date of default unless, within such three-year period, the conservator, receiver, or other legal custodian of the insured institution shall have recognized such insured account as a valid claim against the insured institution and the claim for payment of insurance shall have been presented to the Corporation and its validity denied, in which event the action may be brought within two years from the date of such denial.”; and

(3) by striking the first four sentences of section 407 and inserting the following: “Any insured institution other than a Federal savings and loan association may terminate its status as an insured institution by written notice to the Corporation. Whenever in the opinion of the Home Loan Bank Board any insured institution has violated its duty as such or has continued unsafe or unsound practices in conducting the business of such

Federal Savings
and Loan Insur-
ance Corp.
12 USC 1725.
Service of proc-
ess.

12 USC 1728.
Claims.
Statute of limi-
tations.

12 USC 1730.
Termination of
insurance.

institution, or has knowingly or negligently permitted any of its officers or agents to violate any provision of any law or regulation to which the insured institution is subject, said Board shall first give to the authority having supervision of the institution, if any, a statement with respect to such practices or violations for the purpose of securing the correction thereof and shall give a copy thereof to the institution. In the case of an institution of a State where there is no supervisory authority the statement shall be sent directly to the institution. Unless such correction shall be made within one hundred and twenty days or such shorter period of time as the supervisory authority, if any, shall require, the Home Loan Bank Board, if it shall determine to proceed further, shall give to the institution not less than thirty days' written notice of intention to terminate the status of the institution as an insured institution, and shall fix a time and place for a hearing before the Home Loan Bank Board, a member thereof, or a person designated by the Board. The Home Loan Bank Board shall make written findings. Unless the institution shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured institution. If the Home Loan Bank Board shall find that any unsafe or unsound practice or violation specified in such notice has been established and has not been corrected within the time above prescribed in which to make such correction, the Home Loan Bank Board may issue its order terminating the insured status of the institution effective on a date subsequent to such finding and to the expiration of the time specified in such notice of intention. The hearing hereinabove provided for shall be held in accordance with the provisions of the Administrative Procedure Act and shall be subject to review as therein provided and the review by the court shall be upon the weight of the evidence. In the event of the termination of such status, insurance of its accounts to the extent that they were insured on the date of such notice by the institution to the Corporation or such order of termination, less any amounts thereafter withdrawn, repurchased, or redeemed which reduce the insured accounts of an insured member below the amount insured on the date of such notice or order, shall continue for a period of two years, but no investments or deposits made after the date of such notice or order of termination shall be insured. The Corporation shall have the right to examine such institution from time to time during the two-year period aforesaid. Such insured institution shall be obligated to pay, within thirty days after any such notice or order of termination, as a final insurance premium, a sum equivalent to twice the last annual insurance premium paid by it."

Hearing.

60 Stat. 237.
5 USC 1001 note.

12 USC 1430.
Home mortgage
as security.

SEC. 502. The Federal Home Loan Bank Act, as amended, is hereby amended by striking "\$20,000" in section 10 (b) (2) and inserting "\$35,000".

SEC. 503. The Home Owners' Loan Act of 1933, as amended, is hereby amended—

12 USC 1464.

Enforcement.
Rules and Regu-
lations.

(1) by striking "\$20,000" wherever it appears in the first paragraph of subsection (c) of section 5 and inserting "\$35,000";

(2) by amending subsection (d) of section 5 to read as follows:

"(d) (1) The Board shall have power to enforce this section and rules and regulations made hereunder. In the enforcement of any provision of this section or rules and regulations made hereunder, or any other law or regulation, and in the administration of conservatorships and receiverships as provided in subsection (d) (2) hereof, the Board is authorized to act in its own

name and through its own attorneys. The Board shall have power to sue and be sued, complain and defend in any court of competent jurisdiction in the United States or its territories or possessions or the Commonwealth of Puerto Rico. It shall by formal resolution state any alleged violation of law or regulation and give written notice to the association concerned of the facts alleged to be such violation, except that the appointment of a Supervisory Representative in Charge, a conservator or a receiver shall be exclusively as provided in subsection (d) (2) hereof. Such association shall have thirty days within which to correct the alleged violation of law or regulation and to perform any legal duty. If the association concerned does not comply with the law or regulation within such period, then the Board shall give such association twenty days' written notice of the charges against it and of a time and place at which the Board will conduct a hearing as to such alleged violation of duty. Such hearing shall be in the Federal judicial district of the association unless it consents to another place and shall be conducted by a hearing examiner as is provided by the Administrative Procedure Act. The Board or any member thereof or its designated representative shall have power to administer oaths and affirmations and shall have power to issue subpoenas and subpoenas duces tecum, and shall issue such at the request of any interested party, and the Board or any interested party may apply to the United States district court of the district where such hearing is designated for the enforcement of such subpoena or subpoena duces tecum and such courts shall have power to order and require compliance therewith. A record shall be made of such hearing and any interested party shall be entitled to a copy of such record to be furnished by the Board at its reasonable cost. After such hearing and adjudication by the Board, appeals shall lie as is provided by the Administrative Procedure Act, and the review by the court shall be upon the weight of the evidence. Upon the giving of notice of alleged violation of law or regulation as herein provided, either the Board or the association affected may, within thirty days after the service of said notice, apply to the United States district court for the district where the association is located for a declaratory judgment and an injunction or other relief with respect to such controversy, and said court shall have jurisdiction to adjudicate the same as in other cases and to enforce its orders. The Board may apply to the United States district court of the district where the association affected has its home office for the enforcement of any order of the Board and such court shall have power to enforce any such order which has become final. The Board shall be subject to suit by any Federal savings and loan association with respect to any matter under this section or regulations made thereunder, or any other law or regulation, in the United States district court for the district where the home office of such association is located, and may be served by serving a copy of process on any of its agents and mailing a copy of such process by registered mail, to the Home Loan Bank Board, Washington, District of Columbia.

"(2) The grounds for the appointment of a conservator or receiver for a Federal savings and loan association shall be one or more of the following: (i) insolvency in that the assets of such association are less than its obligations to its creditors and others, including its members; (ii) violation of law or of a regulation; (iii) the concealment of its books, records, or assets or the refusal to submit its books, papers, records, or affairs for inspection to any

Hearing.

60 Stat. 237.
5 USC 1001 note.

U. S. district
court.
Jurisdiction.

Conservators and
receivers.
Appointment.

Supervisory Representative in Charge.
Appointment.

examiner or lawful agent appointed by the Home Loan Bank Board; and (iv) unsafe or unsound operation. The Board shall have exclusive jurisdiction to appoint a Supervisory Representative in Charge, conservator, or receiver. If, in the opinion of the Board, a ground for the appointment of a conservator or receiver as herein provided exists and the Board determines that an emergency exists requiring immediate action, the Board is authorized to appoint ex parte and without notice a Supervisory Representative in Charge to take charge of said association and its affairs who shall have and exercise all the powers herein provided for conservators and receivers. Unless sooner removed by the Board, such Supervisory Representative in Charge shall hold office until a conservator or receiver, appointed by the Board after notice as herein provided, takes charge of the association and its affairs, or for six months, or until thirty days after the termination of the administrative hearing and final proceedings herein provided, or until sixty days after the final termination of any litigation affecting such temporary appointment, whichever is longest. The Board shall have the power to appoint a conservator or receiver but no such appointment of a conservator or receiver shall be made except pursuant to a formal resolution of the Board stating the grounds therefor and except notice thereof is given to said association stating the grounds therefor and until an opportunity for an administrative hearing thereon is afforded to said association. Such hearing shall be held in accordance with the provisions of the Administrative Procedure Act and shall be subject to review as therein provided and the review by the court shall be upon the weight of the evidence. A conservator shall have all the powers of the members, the directors, and officers of the Federal association and shall be authorized to operate it in its own name or conserve its assets in the manner and to the extent authorized by the Board. The Board shall appoint only the Federal Savings and Loan Insurance Corporation as receiver for any Federal savings and loan association, which shall have power as receiver to buy at its own sale subject to approval by the Board. With the consent of the association expressed by a resolution of the board of directors or of its members, the Board is authorized to appoint a conservator or receiver for a Federal association without notice and without hearing. The Board shall have power to make rules and regulations for the reorganization, merger, and liquidation of Federal associations and for such associations in conservatorship and receivership and for the conduct of conservatorships and receiverships. Whenever a Supervisory Representative in Charge, conservator, or receiver, appointed by the Board pursuant to the provisions of this section, demands possession of the property, business and assets of any association, the refusal of any officer, agent, employee, or director of such association to comply with the demand shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year or both by such fine and imprisonment.”; and

60 Stat. 537.
5 USC 1001 note.

Powers.

Violation.

Penalty.

12 USC 1464.

Investment of assets.

58 Stat. 284.
38 USC 693 note.

(3) by striking out the second paragraph of subsection (c) of section 5 and inserting in lieu thereof the following new paragraph:

“Without regard to any other provision of this subsection except the area requirement such associations are authorized to invest a sum not in excess of 15 per centum of the assets of such association in loans insured under title I of the National Housing Act, as amended, in unsecured loans insured or guaranteed under the provisions of the Servicemen’s Readjustment Act of 1944, as

amended, and in other loans for property alteration, repair, or improvement: *Provided*, That no such loan shall be made in excess of \$2,500."

TITLE VI—VOLUNTARY HOME MORTGAGE CREDIT PROGRAM

DECLARATION OF POLICY

SEC. 601. It is declared to be the policy of Congress—

(a) to seek the constant improvement of the living conditions of all the people under a strong, free, competitive economy, and to take such action as will facilitate the operation of that economy to provide adequate housing for all the people and to meet the demands for new building;

(b) to provide a means of financing housing within the framework of our private enterprise system and without vast expenditures of public moneys;

(c) to encourage and facilitate the flow of funds for housing credit into remote areas and small communities, where such funds are not available in adequate supply; and

(d) to assist in the development of a program consonant with sound underwriting principles, whereby private financing institutions engaged in mortgage lending can make a maximum contribution to the economic stability and growth of the Nation through extension of the market for insured or guaranteed mortgage loans.

DEFINITIONS

SEC. 602. As used in this title, the following terms shall have the meanings respectively ascribed to them below, and, unless the context clearly indicates otherwise, shall include the plural as well as the singular number:

(a) "Insured or guaranteed mortgage loan" means any loan made for the construction or purchase of a family dwelling or dwellings and which is (1) guaranteed or insured under the Servicemen's Readjustment Act of 1944, as amended, or (2) secured by a mortgage insured under the National Housing Act, as amended.

(b) "Private financing institutions" means life-insurance companies, savings banks, commercial banks, savings and loan associations (including cooperative banks, homestead association, and building and loan associations), and mortgage companies.

(c) "Administrator" means the Housing and Home Finance Administrator.

(d) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

NATIONAL VOLUNTARY MORTGAGE CREDIT EXTENSION COMMITTEE

SEC. 603. There is hereby established a National Voluntary Mortgage Credit Extension Committee, hereinafter called the "National Committee", which shall consist of the Housing and Home Finance Administrator, who shall act as Chairman of the National Committee, and fourteen other persons appointed by the Administrator as follows:

(a) Two representatives of each type of private financing institutions;

(b) Two representatives of builders of residential properties; and

(c) Two representatives of real estate boards.

The Administrator shall also request the Board of Governors of the Federal Reserve System to designate a representative of the Board to serve on the National Committee in an advisory capacity.

The Administrator shall also request the Administrator of Veterans' Affairs to designate a representative to serve on the National Committee in an advisory capacity.

The Administrator shall also request the Home Loan Bank Board to designate a representative of the Board to serve on the National Committee in an advisory capacity.

In selecting and appointing the members of the National Committee, the Administrator shall have due regard to fair representation thereon for small, medium, and large private financing institutions and for different geographical areas. Members of the National Committee appointed by the Administrator shall serve on a voluntary basis.

REGIONAL SUBCOMMITTEES

SEC. 604. (a) As soon as practicable, the National Committee shall divide the United States into regions conforming generally to the Federal Reserve districts. The Administrator, after consultation with the other members of the National Committee, shall, for each such region, designate five or more persons representing private financing institutions and builders of residential properties in such region to serve as a regional subcommittee of the National Committee for the purpose of assisting in placing with private financing institutions insured or guaranteed mortgage loans as hereinafter set forth. In designating the members of each such regional subcommittee, the Administrator shall have due regard to fair representation thereon for small, medium, and large financing institutions and builders of residential properties and for different geographical areas within such regions. Members of each regional subcommittee shall serve on a voluntary basis.

(b) The Administrator is authorized and directed, upon the request of a regional subcommittee, to provide such subcommittee with a suitable office and meeting place and to furnish to the subcommittee such staff assistance as may be reasonably necessary for the purpose of assisting it in the performance of the functions hereinafter set forth. In complying with these requirements, the Administrator may act through and may utilize the services of the several Federal home-loan banks.

FUNCTION OF NATIONAL COMMITTEE AND OF REGIONAL SUBCOMMITTEES

National Com-
mittee.

SEC. 605. It shall be the function of the National Committee and the regional subcommittees to facilitate the flow of funds for residential mortgage loans into areas or communities where there may be a shortage of local capital for, or inadequate facilities for access to, such loans, and to achieve the maximum utilization of the facilities of private financing institutions for this purpose by soliciting and obtaining the cooperation of all such private financing institutions in extending credit for insured or guaranteed mortgage loans wherever consistent with sound underwriting principles.

SEC. 606. The National Committee shall study and review the demand and supply of funds for residential mortgage loans in all parts of the country, and shall receive reports from and correlate the activities of the regional subcommittees. It shall also periodically inform the Commissioner of the Federal Housing Administration and the Administrator of Veterans' Affairs concerning the results of the studies and of the progress of the National Committee and regional subcommittees in performing their function, and shall to the extent practicable maintain liaison with State and local Government housing officials in

order that they may be fully apprized of the function and work of the National Committee and regional subcommittees. The Administrator shall, not later than April 1 in each year, make a full report of the operations of the National Committee and the regional subcommittees to the Congress.

Report to Congress.

SEC. 607. (a) Each regional subcommittee shall study and review the demand and supply of funds for residential mortgage loans in its region, shall analyze cases of unsatisfied demand for mortgage credit, and shall report to the National Committee the results of its study and analysis. It shall also maintain liaison with officers of the Federal Housing Administration and of the Veterans' Administration within its region in order that such officers may be fully apprized of the function and work of the National Committee and regional subcommittees. It shall request such officers to supply to the subcommittee information regarding cases of unsatisfied demand for mortgage credit for loans eligible for insurance under the National Housing Act, as amended, or for insurance or guaranty under the Servicemen's Readjustment Act of 1944, as amended. Such officers are authorized to furnish such information to such subcommittee.

Regional subcommittees.

12 USC 1701.

58 Stat. 284.
38 USC 693 note.

(b) A regional subcommittee shall render assistance to any applicant for a loan, the proceeds of which are to be used for the construction or purchase of a family dwelling or dwellings, upon receipt of a certificate from such applicant, stating that—

(1) application for such loan has been made to at least two private financing institutions, or in the alternative to such private financing institution or institutions as may be reasonably accessible to the applicant;

(2) the applicant has been informed by the above-mentioned private financing institution or institutions that funds for mortgage credit on the loan are unavailable; and

(3) the applicant is eligible for insurance or guaranty under the Servicemen's Readjustment Act of 1944, as amended, or consents that the mortgage to be issued as security for the loan be insured under the National Housing Act, as amended.

Upon receipt of such certification from an applicant the regional subcommittee shall circularize private financing institutions in the region or elsewhere and shall use its best efforts to enable the applicant to place the loan with a private financing institution. It shall render similar assistance to any applicant for a loan, the proceeds of which are to be used for the construction or purchase of a family dwelling or dwellings, upon receipt of information from the Veterans' Administration to the effect that the applicant has applied for a direct loan, if he is eligible for such a loan, and that he is eligible for insurance or guaranty, under the Servicemen's Readjustment Act of 1944, as amended. In order to encourage small or local private financing institutions to originate insured or guaranteed mortgage loans, it may also render similar assistance to private financing institutions in locating other private financing institutions willing to repurchase such mortgage loans on a mutually satisfactory basis.

(c) In the performance of its responsibilities under subsection (b) of this section, a regional subcommittee may at its discretion (1) request the National Committee to obtain for it the aid of other regional subcommittees in seeking sources of mortgage credit, and (2) request and obtain voluntary assurances from any one or more private financing institutions that they will make funds available for insured or guaranteed mortgage loans in any specified area or areas within its region in which the subcommittee finds that there is a lack of adequate credit facilities for such loans.

REGULATIONS OF ADMINISTRATOR

SEC. 608. The Administrator, after consultation with the National Committee, shall have power to issue general rules and procedures for the effective implementation of this title and for the functioning of the regional subcommittees, pursuant to the provisions hereof and not in conflict herewith.

GENERAL PROVISIONS

SEC. 609. No act pursuant to the provisions of this title and which occurs while this title is in effect shall be construed to be within the prohibitions of the antitrust laws or the Federal Trade Commission Act of the United States. Service as a member of the National Committee or of any regional subcommittee is not to be construed as holding any office or employment with the Government of the United States. The Administrator is authorized and directed, upon the request of the National Committee, to provide such Committee with a suitable office and meeting place and to furnish to the Committee such staff assistance as may be reasonably necessary for the purpose of assisting it in the performance of the functions of such Committee.

38 Stat. 717.
15 USC 58.

Office.
Staff assistance.

Funds.

Funds available to the Administrator for administrative expenses shall be available for all expenses necessary in carrying out the provisions of this title, including expenses of persons serving as members of any committee or subcommittee established pursuant to this title for communications, transportation, and not to exceed \$25 per diem in lieu of subsistence when away from their homes or regular places of business in connection with the business of such committee or subcommittee.

Termination.

SEC. 610. (a) This title and all authority conferred hereunder shall terminate at the close of June 30, 1957.

(b) Notwithstanding subsection (a), Congress, by concurrent resolution, may terminate this title prior to the termination date hereinabove provided for.

TITLE VII—URBAN PLANNING AND RESERVE OF
PLANNED PUBLIC WORKS

URBAN PLANNING

Planning grants.

SEC. 701. To facilitate urban planning for smaller communities lacking adequate planning resources, the Administrator is authorized to make planning grants to State planning agencies for the provision of planning assistance (including surveys, land use studies, urban renewal plans, technical services and other planning work, but excluding plans for specific public works) to cities and other municipalities having a population of less than 25,000 according to the latest decennial census. The Administrator is further authorized to make planning grants for similar planning work in metropolitan and regional areas to official State, metropolitan, or regional planning agencies empowered under State or local laws to perform such planning. Any grant made under this section shall not exceed 50 per centum of the estimated cost of the work for which the grant is made and shall be subject to terms and conditions prescribed by the Administrator to carry out this section. The Administrator is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended, to make advance or progress payments on account of any planning grant made under this section. There is hereby authorized to be appropriated not exceeding \$5,000,000 to carry out the purposes of this section, and any amounts so appropriated shall remain available until expended.

31 USC 529.

Appropriation.

RESERVE OF PLANNED PUBLIC WORKS

SEC. 702. (a) In order (1) to encourage municipalities and other public agencies to maintain a continuing and adequate reserve of planned public works the construction of which can rapidly be commenced whenever the economic situation may make such action desirable, and (2) to attain maximum economy and efficiency in the planning and construction of local, State, and Federal public works, the Administrator is hereby authorized, during the period of three years commencing on July 1, 1954, to make advances to public agencies from funds available under this section (notwithstanding the provisions of section 3648 of the Revised Statutes, as amended) to aid in financing the cost of engineering and architectural surveys, designs, plans, working drawings, specifications, or other action preliminary to and in preparation for the construction of public works: *Provided*, That the making of advances hereunder shall not in any way commit the Congress to appropriate funds to assist in financing the construction of any public works so planned.

Advances.

31 USC 529.

(b) No advance shall be made hereunder with respect to any individual project unless it conforms to an overall State, local, or regional plan approved by a competent State, local, or regional authority, and unless the public agency formally contracts with the Federal Government to complete the plan preparation promptly and to repay such advance when due. Subsequent to approval and prior to disbursement of any Federal funds for the purpose of advance planning, the applicant shall establish a separate planning account into which all Federal and applicant funds estimated to be required for plan preparation shall be placed.

Requirement.

Planning account.

(c) Advances under this section to any public agency shall be repaid without interest by such agency when the construction of the public works is undertaken or started: *Provided*, That in the event repayment is not made promptly such unpaid sum shall bear interest at the rate of 4 per centum per annum from the date of the Government's demand for repayment to the date of payment thereof by the public agency. All sums so repaid shall be covered into the Treasury as miscellaneous receipts.

Repayment.

(d) The Administrator is authorized to prescribe rules and regulations to carry out the purposes of this section.

Rules and regulations.

(e) There is hereby authorized to be appropriated not exceeding \$10,000,000 to carry out the purposes of this section, and any amounts so appropriated shall remain available until expended: *Provided*, That not to exceed 1 per centum of the funds appropriated under this section may be used for the purpose of surveying the status and current volume of advanced public works planning among the several States and their subdivisions, such surveys to be carried out by the Administrator in cooperation with the Council of Economic Advisers in the Executive Office of the President. Not more than 5 per centum of the funds so appropriated shall be expended in any one State.

Appropriation.

DEFINITIONS

SEC. 703. As used in this title, (1) the term "State" shall mean any State, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; (2) the term "Administrator" shall mean the Housing and Home Finance Administrator; (3) the term "public works" shall include any public works other than housing; and (4) the term "public agency" or "public agencies" shall mean any State, as herein defined, or any public agency or political subdivision therein.

TITLE VIII—MISCELLANEOUS PROVISIONS

Warranty require-
ments.

SEC. 801. (a) The Federal Housing Commissioner and the Administrator of Veterans' Affairs, respectively, are hereby authorized and directed to require that, in connection with any property upon which there is located a dwelling designed principally for not more than a four-family residence and which is approved for mortgage insurance or guaranty prior to the beginning of construction, the seller or builder, and such other person as may be required by the said Commissioner or Administrator to become warrantor, shall deliver to the purchaser or owner of such property a warranty that the dwelling is constructed in substantial conformity with the plans and specifications (including any amendments thereof, or changes and variations therein, which have been approved in writing by the Federal Housing Commissioner or the Administrator of Veterans' Affairs) on which the Federal Housing Commissioner or the Administrator of Veterans' Affairs based his valuation of the dwelling: *Provided*, That the Federal Housing Commissioner or the Administrator of Veterans' Affairs shall deliver to the builder, seller, or other warrantor his written approval (which shall be conclusive evidence of such approval) of any amendment of, or change or variation in, such plans and specifications which the Commissioner or the Administrator deems to be a substantial amendment thereof, or change or variation therein, and shall file a copy of such written approval with such plans and specifications: *Provided further*, That such warranty shall apply only with respect to such instances of substantial nonconformity to such approved plans and specifications (including any amendments thereof, or changes or variations therein, which have been approved in writing, as provided herein, by the Federal Housing Commissioner or the Administrator of Veterans' Affairs) as to which the purchaser or homeowner has given written notice to the warrantor within one year from the date of conveyance of title to, or initial occupancy of, the dwelling, whichever first occurs: *Provided further*, That such warranty shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument: *And provided further*, That the provisions of this section shall apply to any such property covered by a mortgage insured or guaranteed by the Federal Housing Commissioner or the Administrator of Veterans' Affairs on and after October 1, 1954, unless such mortgage is insured or guaranteed pursuant to a commitment therefor made prior to October 1, 1954.

Availability of
plans and speci-
fications.

(b) The Federal Housing Commissioner and the Administrator of Veterans' Affairs, respectively, are further directed to permit copies of the plans and specifications (including written approvals of any amendments thereof, or changes or variations therein, as provided herein) for dwellings in connection with which warranties are required by subsection (a) of this section to be made available in their appropriate local offices for inspection or for copying by any purchaser, homeowner, or warrantor during such hours or periods of time as the said Commissioner and Administrator may determine to be reasonable.

Report to Presi-
dent and Congress.

SEC. 802. (a) The Housing and Home Finance Administrator shall, as soon as practicable during each calendar year, make a report to the President for submission to the Congress on all operations under the jurisdiction of the Housing and Home Finance Agency during the previous calendar year.

Repeals.
54 Stat. 1128; 55
Stat. 363.
42 USC 1551.
63 Stat. 842.
40 USC 456.

(b) Section 311 of "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended; section 6 of "An Act to provide for the advance planning of non-Federal public works", approved October 13,

1949, as amended; and sections 5 and 402 (f) of the National Housing Act, as amended, are hereby repealed. 12 USC 1706,
1725(f).

(c) The National Housing Act, as amended, is hereby amended—

(1) by striking the heading “ANNUAL REPORT” immediately after section 4 and inserting “TAXATION”; and

(2) by striking from subsection (e) of section 406 the word “Congress” and inserting “Housing and Home Finance Administrator”.

12 USC 1705.

12 USC 1729.

(d) The first sentence of section 7 (b) of the United States Housing Act of 1937, as amended, is hereby amended to read as follows: “The annual report of the Housing and Home Finance Administrator to the President for submission to the Congress on the operations of the Housing and Home Finance Agency shall include a report on the operations and expenses of the Authority, including loans, contributions, and grants made or contracted for, low-rent housing and slum clearance projects undertaken, and the assets and liabilities of the Authority.”

Annual report.
42 USC 1407.

(e) Section 106 (a) of the Housing Act of 1949, as amended, is hereby amended by striking “; and” at the end of paragraph (3) thereof, inserting a period in lieu thereof, and striking paragraph (4).

42 USC 1456.

(f) The Federal Home Loan Bank Act, as amended, is hereby amended by striking the second sentence of section 20.

12 USC 1440.

SEC. 803. Section 501 (b) of the Servicemen's Readjustment Act of 1944, as amended, is hereby amended to read as follows:

38 USC 694a.

“(b) Any loan made to a veteran for the purposes specified in subsection (a) of this section 501 may, notwithstanding the provisions of subsection (a) of section 500 of this title relating to the percentage or aggregate amount of loan to be guaranteed, be guaranteed, if otherwise made pursuant to the provisions of this title, in an amount not exceeding 60 per centum of the loan: *Provided*, That the aggregate amount of any guaranties to a veteran under this title shall not exceed \$7,500, nor shall any gratuities payable under subsection (c) of section 500 of this title exceed the amount which is payable on loans guaranteed in accordance with the maxima provided for in subsection (a) of section 500 of this title: *And provided further*, That no such loan for the repair, alteration, or improvement of property shall be insured or guaranteed under this Act unless such repair, alteration, or improvement substantially protects or improves the basic livability or utility of the property involved.”

Home loan guar-
antee.

38 USC 694.

Limitation.

SEC. 804. Section 108 of the Reconstruction Finance Corporation Liquidation Act (67 Stat. 230) is amended as follows:

40 USC 459.

(1) Strike out from subsection (a) thereof the words “the President, through such officer or agency of the Government (other than the Reconstruction Finance Corporation) as he may designate,” and insert in lieu thereof the words “the Housing and Home Finance Administrator”.

(2) Strike out all of subsection (b) and insert in lieu thereof the following:

40 USC 459.

“(b) For the purposes of this section, notwithstanding any other provision of law, the Housing and Home Finance Administrator is authorized to obtain from a revolving fund to be established in the Treasury of the United States not to exceed a total of \$50,000,000 outstanding at any one time. For this purpose there is hereby authorized to be appropriated to such revolving fund in the Treasury the amount of \$50,000,000. Advances from the revolving fund shall be made to the Housing and Home Finance Administrator upon his request, and such advances together with receipts under this section shall be available for all necessary expenses, including administrative expenses, under this section. The Housing and Home Finance Admin-

Revolving fund.

Appropriation.

Advances.

Interest.

istrator shall pay into the Treasury as miscellaneous receipts, at the close of each fiscal year, interest on the amount of advances outstanding, at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding interest-bearing marketable public debt obligations of the United States of comparable maturities. As the Housing and Home Finance Administrator repays principal sums advanced from the revolving fund pursuant to this section, such repayments shall be made to the revolving fund."

40 USC 459.
Powers.

(3) Strike out from subsection (c) thereof the words "officer or agency designated by the President" and insert in lieu thereof the words "Housing and Home Finance Administrator".

Termination.

(4) Strike out from subsection (d) thereof "1955" and insert in lieu thereof "1956".

SEC. 805. The Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, is hereby amended—

(1) by adding the following at the end of section 605 (a) :

64 Stat. 59.
42 USC 1585.
Temporary war
housing.
Disposal.

"In any city in which, on March 1, 1953, there were more than ten thousand temporary housing units held by the United States of America, or in any two contiguous cities in one of which there were on such date more than ten thousand temporary housing units so held, the Administrator may acquire, by purchase or condemnation, a fee simple title to any lands in which the Administrator holds a leasehold interest, or other interest less than a fee simple, acquired by the Federal Government for national defense or war housing or for veterans' housing where (1) the Administrator finds that the acquisition by him of a fee simple title in the land will expedite the disposal or removal of temporary housing under his jurisdiction by facilitating the availability of improved sites for privately owned housing needed to replace such temporary housing, (2) the city or a local public agency has, in accordance with authority under State law, entered into a firm agreement to purchase the land so acquired at a price determined by the Administrator to be fair, but in no event less than the estimated cost to the Federal Government of acquiring the fee simple title (including an estimated amount to cover legal and overhead expenses of such acquisition) as determined by the Administrator, (3) the city or local public agency has furnished evidence satisfactory to the Administrator that it has or will have funds available to make all agreed-upon payments to the Federal Government and to protect the Federal Government against any loss resulting from the acquisition of fee simple title, (4) the city or local public agency has furnished assurances satisfactory to the Administrator that the land will be made available to private enterprise for development, in accordance with local zoning and other laws, for predominantly residential uses, and (5) the city or local public agency has furnished assurances satisfactory to the Administrator that no individual who is employed by, or is an official of, the government of the city in which the land is located, or any agency thereof, shall be permitted, directly or indirectly, to have any financial interest in the purchase or redevelopment of such land: *Provided*, That such acquisitions by the Administrator pursuant to this sentence shall be limited to not exceeding four hundred and twenty-five acres of land in the general area in which approximately one thousand five hundred units of temporary housing held by the United States of America were unoccupied on said date.";

(2) by adding the following new subsection at the end of section 607:

42 USC 1587.
Permanent war
housing.
Disposal.

"(g) The Administrator may dispose of any permanent war housing without regard to the preferences in subsections (b) and (c) of this

section when he determines that (1) such housing, because of design or lack of amenities, is unsuitable for family dwelling use, or (2) it is being used at the time of disposition for other than dwelling purposes, or (3) it was offered, with preferences substantially similar to those provided in the Housing Act of 1950 (64 Stat. 48), to veterans and occupants prior to enactment of said Act.”; and

12 USC 1701j
note.

(3) by adding the following new section at the end of title VI:

“SEC. 613. Upon a certification by the Secretary of the Interior that any surplus housing, classified by the Administrator as demountable, in the area of San Diego, California, is needed to provide dwelling accommodations for members of a tribe of Indians in Riverside County or San Diego County or Imperial County, California, the Administrator is hereby authorized, notwithstanding any other provision of law, to transfer and convey such housing without consideration to such tribe, the members thereof, or the Secretary of the Interior in trust therefor, as the Secretary may prescribe: *Provided*, That the term housing as used in this section shall not include land.”

San Diego, Calif.
Transfer of certain housing to
Indians.

SEC. 806. Subsection 302 (b) of Public Law 139, 82d Congress, as amended, is hereby amended by striking the second sentence thereof and adding the following:

65 Stat. 304.
42 USC 1592a.

“Any temporary housing constructed or acquired under this title which the Administrator determines to be no longer needed for use under this title shall, unless transferred to the Department of Defense pursuant to section 306 hereof, or reported as excess to the Administrator of the General Services Administration pursuant to the Federal Property and Administrative Services Act of 1949, as amended, be sold as soon as practicable to the highest responsible bidder after public advertising, except that if one or more of such bidders is a veteran purchasing a dwelling unit for his own occupancy the sale of such unit shall be made to the highest responsible bidder who is a veteran so purchasing: *Provided*, That the Housing and Home Finance Administrator may reject any bid for less than two-thirds of the appraised value as determined by him: *Provided further*, That the housing may be sold at fair value (as determined by the Housing and Home Finance Administrator) to a public body for public use: *And provided further*, That the housing structures shall be sold for removal from the site, except that they may be sold for use on the site if the governing body of the locality has adopted a resolution approving use of such structures on the site.”

Sale of temporary
housing.

42 USC 1592e.

63 Stat. 377.
40 USC 471 note.

SEC. 807. Section 601 of the Housing Act of 1949 is hereby amended to read as follows:

12 USC 1701h.

“SEC. 601. The Housing and Home Finance Administrator and the head of each constituent agency of the Housing and Home Finance Agency is hereby authorized to establish such advisory committee or committees as each may deem necessary in carrying out any of his functions, powers, and duties under this or any other Act or authorization. Service as a member of any such committee shall not constitute any form of service, employment, or action within the provisions of sections 281, 283, 284, or 1914 of title 18, United States Code, or within the provisions of section 190 of the Revised Statutes (5 U. S. C. 99). Persons serving without compensation as members of any such committee may be paid transportation expenses and not to exceed \$25 per diem in lieu of subsistence, as authorized by section 5 of the Act of August 2, 1946 (5 U. S. C. 73b-2).”

Advisory committees.

62 Stat. 697, 793.

SEC. 808. (a) Section 202 of the Act entitled “An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes”, approved September 23, 1950, as amended, is hereby amended by adding the following new sentence at the end thereof: “In any case where such facilities are or have been

60 Stat. 808.
Transfer of
school facilities.

64 Stat. 967.
20 USC 272.

damaged or destroyed by fire or other casualty after they have become eligible for such transfer but before such transfer has been completed, the head of the Federal department or agency may assign or pay to such local educational agency, solely for use in repairing or reconstructing such facilities, all or any part of any insurance receipts in connection with such casualty which are payable or have been paid in consideration of premiums which such local educational agency has advanced for the benefit of the United States."

12 USC 1749.
Educational in-
stitutions.

Sale of property.
University of
California.

University of
South Carolina.

Saint Louis
County, Mo.
Conveyance.

Wethersfield,
Conn.

Payment.

Reduction of
vulnerability to
enemy attack.

(b) The third sentence of section 401 (a) of title IV of the Housing Act of 1950, as amended, is hereby amended by striking out the word "made" and inserting the words "is approved by the Administrator".

SEC. 809. Notwithstanding the provisions of any other law, (1) the Housing and Home Finance Administrator is authorized and directed to sell to the University of California, at fair market value as determined by him, all of the properties, including land, comprising war housing projects CAL-4041 and 4042 known as Canyon Crest Homes located in Riverside County, California; (2) the Public Housing Commissioner is authorized to permit the Housing Authority of the city of Columbia, South Carolina, to sell to the University of South Carolina, at fair market value as determined by him, all of the property, including land, comprising the seventy-four unit housing project Numbered SC-2-5 known as University Terrace, located in Columbia, South Carolina, and to use, with the approval of the said Commissioner, the proceeds of such sale as a loan for the development of other low-rent housing in the city of Columbia, South Carolina, in replacement of said project Numbered SC-2-5, under terms and conditions which will be satisfactory to the Public Housing Commissioner and which will, in his opinion, protect the interest of the United States, and the annual contributions now contracted for in respect to project Numbered SC-2-5 shall continue to be available and may be contracted for in respect to such other low-rent housing; and (3) the Housing and Home Finance Administrator is authorized and directed to convey, without monetary consideration, to the Housing Authority of Saint Louis County, Missouri, all of the right, title, and interest of the United States in and to the one hundred and fifty-six housing units in public housing project Numbered MO-V-23153.

SEC. 810. Notwithstanding the provisions of any other law, the Housing and Home Finance Administrator is authorized to sell and convey all right, title and interest of the United States (including any off-site easements) at fair market value as determined by him, in and to war housing project CONN-6029, known as Westfield Heights, containing one hundred and thirty dwelling units on approximately twenty-three and nineteen one-hundredths acres of land in Wethersfield, Connecticut, and CONN-6125, known as Drum Hill Park, containing one hundred and twenty-five dwelling units on approximately fifty-two and thirty-three one-hundredths acres of land in Rocky Hill, Connecticut, to the housing authority of the town of Wethersfield, Connecticut, for use in providing moderate rental housing. Any sale pursuant to this section shall be on such terms and conditions as the Administrator shall determine: *Provided*, That full payment to the United States shall be required within a period of not to exceed thirty years with interest on unpaid balance at not to exceed 5 per centum per annum.

SEC. 811. The Housing and Home Finance Agency, including its constituent agencies, and any other departments or agencies of the Federal Government having powers, functions, or duties with respect to housing under this or any other law shall exercise such powers, functions, or duties in such manner as, consistent with the require-

ments thereof, will facilitate progress in the reduction of the vulnerability of congested urban areas to enemy attack.

SEC. 812. Title V of the Housing Act of 1949, as amended, is hereby amended as follows:

Ante, p. 320.

(a) At the end of the first sentence of section 511 strike "\$8,500,000" and insert "\$100,000,000".

Funds for issuance of notes, etc.

(b) In section 512, strike "\$170,000" and insert "\$2,000,000".

(c) In section 513, strike "\$850,000" and insert "\$10,000,000".

SEC. 813. Section 504 of the Housing Act of 1950, as amended, is hereby repealed.

12 USC 1701j.
Repeal.

RECORDS

SEC. 814. Every contract between the Housing and Home Finance Agency (or any official or constituent thereof) and any person or local body (including any corporation or public or private agency or body) for a loan, advance, grant, or contribution under the United States Housing Act of 1937, as amended, or the Housing Act of 1949, as amended, shall provide that such person or local body shall keep such records as the Housing and Home Finance Agency (or such official or constituent thereof) shall from time to time prescribe, including records which permit a speedy and effective audit and will fully disclose the amount and the disposition by such person or local body of the proceeds of the loan, advance, grant, or contribution, or any supplement thereto, the capital cost of any construction project for which any such loan, advance, grant, or contribution is made, and the amount of any private or other non-Federal funds used or grants-in-aid made for or in connection with any such project. No mortgage covering new or rehabilitated multifamily housing (as defined in section 227 of the National Housing Act, as amended) shall be insured unless the mortgagor certifies that he will keep such records as are prescribed by the Federal Housing Commissioner at the time of the certification and that they will be kept in such form as to permit a speedy and effective audit. The Housing and Home Finance Agency or any official or constituent agency thereof shall have access to and the right to examine and audit such records. This section shall become effective on the first day after the first full calendar month following the date of approval of the Housing Act of 1954.

Ante, p. 607.

Effective date.

APPLICANTS FOR ASSISTANCE REQUIRED TO SUBMIT SPECIFICATIONS

SEC. 815. Every contract for a loan, grant, or contribution under the United States Housing Act of 1937, as amended, or title I of the Housing Act of 1949, as amended, for the construction of a project shall require the submission of specifications with respect to such construction prior to the authorization for the award of the construction contract and the submission of data with respect to the acquisition of land prior to the authorization to acquire such land.

42 USC 1430.
12 USC 1701-
1706d.

AUDITS UNDER PUBLIC HOUSING ACT OF 1937; COMPTROLLER GENERAL

SEC. 816. Every contract for loans or annual contributions under the United States Housing Act of 1937, as amended, shall provide that the Public Housing Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the public housing agency entering into such contract that are pertinent to its operations with respect to financial assistance under the United States Housing Act of 1937, as amended.

40 USC 1430.

REPORT TO CONGRESS OF INFORMATION ON HOUSING

Ante, p. 642.

Ante, p. 607.

SEC. 817. The annual report made by the Housing and Home Finance Administrator to the President for submission to the Congress on all operations provided for by section 802 hereof shall contain pertinent information with respect to all projects for which any loan, contribution, or grant has been made by the Housing and Home Finance Agency, including the amount of loans, contributions and grants contracted for, and shall also contain pertinent information with respect to all builders' cost certifications required by section 227 of the National Housing Act, as amended, including information as to the amounts paid by mortgagors to mortgagees for application to the reduction of the principal obligations of the mortgages pursuant to that section.

ACT CONTROLLING

SEC. 818. Insofar as the provisions of any other law are inconsistent with the provisions of this Act, the provisions of this Act shall be controlling.

SEPARABILITY

SEC. 819. Except as may be otherwise expressly provided in this Act, all powers and authorities conferred by this Act shall be cumulative and additional to and not in derogation of any powers and authorities otherwise existing. Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the controlling intent of Congress that if any provisions of this Act, or the application thereof to any persons or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act or its application to other persons and circumstances.

Approved August 2, 1954.

Public Law 561

CHAPTER 650

AN ACT

August 2, 1954
[S. 2381]

To amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain.

Oil and gas
leases.
62 Stat. 291.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27 of the Act of February 25, 1920, as amended (30 U. S. C. 184), is further amended as follows:

Acreage hold-
ing restriction.

Alaska.

60 Stat. 954.
Nonrenewable
option.

Time and acre-
age limitation.

(1) Strike out all of the language preceding the semicolon of the second sentence of section 27, and insert the following in lieu thereof: "No person, association, or corporation, except as herein provided, shall take or hold at one time oil or gas leases exceeding in the aggregate forty-six thousand and eighty acres granted hereunder in any one State, except that in the Territory of Alaska no person, association, or corporation, except as herein provided, shall take or hold at one time oil or gas leases exceeding in the aggregate one hundred thousand acres granted hereunder;"

(2) Strike out sentences 5 and 6 of section 27 and insert the following in lieu thereof: "The interest of an optionee under a nonrenewable option to purchase or otherwise acquire one or more oil or gas leases (whether then or thereafter issued), or any interest therein, shall not, prior to the exercise of such option, be a taking or holding or control under the acreage limitations provisions of any section of this Act. No such option shall be entered into for a period of more

than three years, without the prior approval of the Secretary of the Interior, and no person, association, or corporation shall hold at one time such options of more than two hundred thousand acres in any one State.”.

Approved August 2, 1954.

Public Law 562

CHAPTER 652

AN ACT

To provide for two additional Assistant Secretaries of the Army, Navy, and Air Force, respectively.

August 3, 1954
[S. 3466]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 (a) of the Army Organization Act of 1950 (64 Stat. 264), is hereby amended to read as follows:

Armed Forces.
Assistant Sec-
retaries.
5 USC 181-5.

“There shall be in the Department of the Army an Under Secretary of the Army and four Assistant Secretaries of the Army, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and who shall receive the compensation prescribed by law. One of the Assistant Secretaries authorized herein shall be designated Assistant Secretary of the Army for Financial Management, and may also act as Comptroller of the Army, if so designated by the Secretary of the Army.”

Army.

(b) Subsections (b) and (c) of section 101 of the Army Organization Act of 1950 (64 Stat. 264), are amended by deleting the word “either”, wherever appearing, and inserting in lieu thereof the word “an”.

5 USC 181-4.

SEC. 2. Two Assistant Secretaries of the Navy may be appointed from civilian life by the President by and with the advice and consent of the Senate. Such Assistant Secretaries shall be in addition to the Assistant Secretary of the Navy authorized under section 1 of the Act of July 11, 1890 (26 Stat. 254), as amended, and the Assistant Secretary of the Navy for Air authorized under section 4 of the Act of June 24, 1926 (44 Stat. 767), as amended, making a total of four Assistant Secretaries. Each such additional Assistant Secretary shall perform such functions as the Secretary of the Navy may from time to time prescribe and each shall receive compensation at the rate prescribed by law for Assistant Secretaries of military departments. One of the Assistant Secretaries authorized herein shall be designated as the Assistant Secretary of the Navy for Financial Management, and may also act as Comptroller of the Navy, if so designated by the Secretary of the Navy. The Assistant Secretaries of the Navy shall succeed to the Office of the Secretary of the Navy during his temporary absence in the position provided for the Assistant Secretary of the Navy and the Assistant Secretary of the Navy for Air by section 10 of the Act of March 5, 1948 (62 Stat. 66), and the Assistant Secretaries of the Navy shall take order among themselves in the order prescribed by the Secretary of the Navy or if no order is prescribed by the Secretary of the Navy then in the order in which the several Assistant Secretaries of the Navy took office as such.

Navy.

5 USC 420.

5 USC 421a.

62 Stat. 69.
5 USC 423j.

SEC. 3. (a) Subsection (a) of section 102 of the Air Force Organization Act of 1951 (65 Stat. 327), is hereby amended to read as follows:

5 USC 626-1.

“There shall be in the Department of the Air Force an Under Secretary of the Air Force and four Assistant Secretaries of the Air Force, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and who shall receive the compensation prescribed by law. One of the Assistant Secretaries authorized herein shall be designated Assistant Secretary

Air Force.

of the Air Force for Financial Management, and may also act as Comptroller of the Air Force, if so designated by the Secretary of the Air Force."

61 Stat. 502.
5 USC 626.

(b) Subsection (d) of section 207 of the National Security Act of 1947 (61 Stat. 495), is hereby amended by deleting the word "two" and inserting in lieu thereof the word "four".

5 USC 626-2.

(c) Subsections (b) and (c) of section 101 of the Air Force Organization Act of 1951 (65 Stat. 327), are amended by deleting the word "either", wherever appearing, and inserting in lieu thereof the word "an".

Approved August 3, 1954.

Public Law 563

CHAPTER 653

AN ACT

August 3, 1954
[S. 3518]

To amend the laws relating to fees charged for services rendered by the office of the Recorder of Deeds for the District of Columbia and the laws relating to appointment of personnel in such office, and for other purposes.

D. C. Recorder
of Deeds.
Fees.

31 Stat. 1276.

54 Stat. 739; 62
Stat. 493.
D. C. Code 40-
712, 40-712a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 552 of subchapter 4 of chapter 16 of the Act approved March 3, 1901, as amended (Sec. 45-708, D. C. Code, 1951 edition); section 12 of the Act approved July 2, 1940, as amended and supplemented by the Act approved June 19, 1948 (secs. 45-712 and 45-712a, D. C. Code, 1951 edition), or any other Act of Congress, the Commissioners of the District of Columbia may, from time to time, increase or decrease the fees authorized to be charged for filing, recording, and indexing or for making a certified copy of any instrument; for searching records; for taking acknowledgments; for recording plats; for filing affidavits; for filing certificates of incorporation and amendments of certificates; for recording liens, assignments of liens, or releases of liens on motor vehicles or trailers; or for any other service rendered by the office of the Recorder of Deeds.

(b) The fees for services rendered by the office of the Recorder of Deeds shall be fixed at such rates, computed on such bases and in such manner as may, in the judgment of the Commissioners, be necessary to defray the approximate cost of operating the office of the Recorder of Deeds.

68 Stat. 177.

(c) Nothing in this section shall be construed as authorizing the Commissioners to modify any provision of the District of Columbia Business Corporation Act, approved June 8, 1954.

SEC. 2. Section 548 of the Code of Laws for the District of Columbia, as amended by the Act approved June 9, 1952 (66 Stat. 129; sec. 45-701, D. C. Code, 1951 edition), is amended by adding at the end thereof the following: "All of the duties and functions of the Recorder of Deeds and of officers and employees in his office shall be performed subject to the supervision and control of the Commissioners of the District."

SEC. 3. Section 549 of the Code of Laws for the District of Columbia, as amended by the Act approved June 9, 1952 (sec. 45-702, D. C. Code, 1951 edition), is amended by striking "The Recorder of Deeds is authorized to appoint a deputy recorder" and inserting in lieu thereof "The Commissioners of the District of Columbia are authorized to appoint a deputy recorder of deeds".

Appointment.
Deputy recorder
of deeds.

SEC. 4. (a) So much of the first sentence of the Act approved March 3, 1925 (43 Stat. 1102, ch. 416), as amended by the Act approved June 9, 1952 (66 Stat. 129; sec. 45-703, D. C. Code, 1951 edition), as reads:

"That the Recorder of Deeds is authorized to appoint a second deputy recorder" is amended to read: "The Commissioners of the District of Columbia are authorized to appoint a second deputy recorder of deeds".

Second deputy
recorder of deeds.

(b) The third sentence of such Act approved March 3, 1925, as amended by such Act approved June 9, 1952, is amended to read: "The Commissioners of the District of Columbia shall appoint all employees in the office of the Recorder of Deeds, except the Recorder, in accordance with civil-service laws and fix the compensation of all employees in such office in accordance with the Classification Act of 1949, as amended, and the said Commissioners may delegate to any officer subordinate to them the function of appointing any of the employees in such office other than the Recorder."

Office employ-
ees.

63 Stat. 954.
5 USC 1071 note.

SEC. 5. Clause (p) of section 2 of the District of Columbia Business Corporation Act (68 Stat. 180) is amended by adding thereto the following sentence: "It shall be the duty of the Recorder of Deeds and of any other officer or agency of the Government of the District of Columbia to perform any function delegated to such officer or agency by the Commissioners pursuant to this Act."

Commissioners.
Delegation of
functions.

Approved August 3, 1954.

Public Law 564

CHAPTER 654

AN ACT

To amend the Act entitled "An Act to provide an immediate revision and equalization of real-estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year eighteen hundred and ninety-six and every third year thereafter, and for other purposes", approved August 14, 1894, as amended.

August 3, 1954
[H. R. 7128]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 2 of the Act entitled "An Act to provide an immediate revision and equalization of real-estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year eighteen hundred and ninety-six and every third year thereafter, and for other purposes", approved August 14, 1894 (28 Stat. 282, as amended; sec. 47-604, D. C. Code, 1951 edition) is amended to read as follows:

D. C. assistant
assessors.
Appointment.

"The Commissioners of the District of Columbia shall appoint as a permanent board of assistant assessors such persons as are conversant with real estate values in the District of Columbia and who have been bona fide residents of the District for a period of at least five years, except that two of such appointees may be persons who have been bona fide residents of the District of Columbia Metropolitan Area for a period of at least five years."

(b) Section 2 of such Act of August 14, 1894, as amended, is further amended by adding at the end thereof the following new sentence:

"For the purposes of this Act, the term 'District of Columbia Metropolitan Area' means the District of Columbia, the cities of Alexandria and Falls Church, and the counties of Arlington and Fairfax in Virginia, and the counties of Montgomery and Prince Georges in Maryland."

"D. C. metro-
politan area".

SEC. 2. Where any provision of this Act, or any amendment made by this Act, refers to an office or agency abolished by Reorganization Plan Numbered 5 of 1952, such reference shall be deemed to be to the office, agency, or officer designated by the Commissioners to perform the functions of the office or agency so abolished.

66 Stat. 824.
D. C. Code 1-app.

Approved August 3, 1954.

Public Law 565

CHAPTER 655

August 3, 1954
[S. 2759]

AN ACT

To amend the Vocational Rehabilitation Act so as to promote and assist in the extension and improvement of vocational rehabilitation services, provide for a more effective use of available Federal funds, and otherwise improve the provisions of that Act, and for other purposes.

Vocational Re-
habilitation
Amendments of
1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vocational Rehabilitation Amendments of 1954".

AMENDMENTS TO THE VOCATIONAL REHABILITATION ACT

41 Stat. 735.

SEC. 2. The Vocational Rehabilitation Act (29 U. S. C. ch. 4) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR GRANTS; PURPOSES FOR WHICH AVAILABLE

Types of grants.

"SECTION 1. For the purpose of assisting the States in rehabilitating physically handicapped individuals so that they may prepare for and engage in remunerative employment to the extent of their capabilities, thereby increasing not only their social and economic well-being but also the productive capacity of the Nation, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1955, the sum of \$30,000,000, for the fiscal year ending June 30, 1956, the sum of \$45,000,000, for the fiscal year ending June 30, 1957, the sum of \$55,000,000, for the fiscal year ending June 30, 1958, the sum of \$65,000,000, and for each fiscal year thereafter such sums as Congress may determine, for grants to carry out the purposes of this Act. The sums so appropriated for any fiscal year shall be available for—

"(1) grants to States under section 2 to assist them in meeting the costs of vocational rehabilitation services;

"(2) grants to States under section 3 to assist them in initiating projects for the extension and improvement of their vocational rehabilitation services; and

"(3) grants to States and to public and other nonprofit organizations and agencies under section 4 to assist in meeting the costs of projects for research, demonstrations, training, and traineeships, and special projects, which hold promise of making a substantial contribution to the solution of vocational rehabilitation problems common to a number of States, including temporary assistance in initiating a substantial nationwide expansion of vocational rehabilitation programs in the States.

Availability.

The portion of such sums which shall be available for each of such three types of grants shall be specified in the Act appropriating such sums, except that the first \$23,000,000 of the aggregate sums so appropriated for any fiscal year shall be available for grants to States under section 2 to assist them in meeting the costs of vocational rehabilitation services.

"GRANTS TO STATES FOR VOCATIONAL REHABILITATION SERVICES

"SEC. 2. (a) (1) From the sums available for any fiscal year for grants to States to assist them in meeting the costs of vocational rehabilitation services, each State shall be entitled to an allotment of an amount which bears the same ratio to such sums as the product of (A) the population of the State and (B) the square of its allotment percentage (as defined in section 11 (h)) bears to the sum of the corresponding products for all the States.

"(2) The allotment to any State for any fiscal year, as computed under the provisions of paragraph (1), which is less than such State's base allotment, shall, notwithstanding such provisions, be increased to the amount of such base allotment.

"(3) For the purposes of this section, a State's base allotment is an amount equal to the amount allotted to such State for expenditures, under its State plan approved under this Act, for the fiscal year ending June 30, 1954 (which, in the case of the District of Columbia, shall be the amount appropriated to the Secretary for such fiscal year for providing rehabilitation services in the District of Columbia), increased by a uniform percentage which, if applied to the amounts so allotted to all the States, would increase the total of such allotments to \$23,000,000.

Base allotment.

"(4) The allotment to any State, as computed under the provisions of paragraph (1) for any fiscal year, which is greater than such State's base allotment by a percentage in excess of one and one-half times the percentage by which the sums available for allotments under this section for such year exceed \$23,000,000, shall be reduced by the amount of such excess.

"(5) Sums equal to the reductions effected under paragraph (4) for any fiscal year shall be added to the allotments of other States as computed under paragraph (1) for such year as follows:

"(A) The allotment of any State as so computed which is less than such State's base allotment, shall be increased to the amount of such base allotment.

"(B) The remainder of such sums shall be used to increase by a uniform percentage the allotment of each of the States whose allotments were not subject to reduction under paragraph (4), but with such adjustments as may be necessary to prevent the allotment of any of such States from being so increased as to require reduction under paragraph (4).

"(b) (1) From each State's allotment under this section for any fiscal year ending after June 30, 1962, the Secretary shall pay to such State an amount equal to the Federal share (determined as provided in section 11 (i)) of the cost of vocational rehabilitation services under the plan for such State approved under section 5, including expenditures for the administration of the State plan.

"(2) From each State's allotment under this section for any fiscal year ending prior to July 1, 1962, the Secretary shall make payments to such State, with respect to the cost of vocational rehabilitation services under the plan of such State approved under section 5, including expenditures for the administration of the State plan, determined as follows:

"(A) A portion of such allotment equal to the State's base allotment shall be available for payment to such State of its adjusted Federal share of such cost of vocational rehabilitation services.

"(B) After such portion has been paid in full, any remaining portions of a State's allotment shall be available for payment to such State of an amount equal to its Federal share (determined as provided in section 11 (i)) of such cost for which payments have not been made under subparagraph (A).

"(3) For the purposes of this subsection—

"(A) a State's adjusted Federal share for any fiscal year means—

Adjusted Federal share.

"(i) in the case of any fiscal year ending prior to July 1, 1959, the 1954 Federal share for such State; and

"(ii) in the case of the fiscal year ending June 30, 1960, June 30, 1961, or June 30, 1962, the Federal share for such

State for such year increased (if it is less than such State's 1954 Federal share) or decreased (if it is greater than such State's 1954 Federal share) by 75 per centum, 50 per centum, and 25 per centum, respectively, of the difference between such Federal share for the year involved and the 1954 Federal share.

1954 Federal share.

"(B) A State's 1954 Federal share means the percentage which (i) the base allotment of such State is of (ii) the sum of such allotment and the amount of 1954 State funds.

1954 State funds.

"(C) The 1954 State funds for any State shall be the amount of State and other non-Federal funds available for expenditures, under such State's plan approved under this Act, for the fiscal year ending June 30, 1954, as estimated by the Secretary for purposes of determining such State's allotment for such year for such expenditures, except that the 1954 State funds for the District of Columbia shall be the amount appropriated for such fiscal year out of the general fund of the District of Columbia for vocational rehabilitation.

Services for the blind.

"(c) If in any State there is, during the fiscal year ending June 30, 1954, a State agency administering or supervising the administration of the part of the State plan under which vocational rehabilitation services are provided for the blind, separate from the State agency administering or supervising the administration of the remainder of the State plan—

Division of allotment.

"(1) for each consecutive fiscal year during which there are such separate agencies, the portion of such State's allotment which is equal to such State's base allotment shall be divided between the two agencies in the same proportion as the amount allotted to the State under this Act for expenditures during the fiscal year ending June 30, 1954, was divided between such agencies;

Separate Federal shares.

"(2) for each such consecutive fiscal year ending prior to July 1, 1962, separate Federal shares shall be established for such agencies for purposes of subsection (b) (2), and for such purposes—

"(A) the 1954 Federal share for each shall be the percentage which (i) the portion of the State's allotment for the fiscal year ending June 30, 1954, which was made available to each, is of (ii) the portion of the sum of such allotment and the amount of 1954 State funds available to each for expenditures, under the State plan approved under this Act, during such year; and

"(B) the portion of the allotment referred to in subsection (b) (2) (A) for each shall be the portion of the State's allotment allocated to each pursuant to paragraph (1) of this subsection.

"GRANTS TO STATES FOR EXTENSION AND IMPROVEMENT PROJECTS

Basis of allotments.

"SEC. 3. (a) (1) From the sums available for any fiscal year for grants to States to assist them in initiating projects for the extension and improvement of vocational rehabilitation services, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of such State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than \$5,000 (or such other amount as may be specified as a minimum allotment in the Act appropriating such sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to

prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

"(2) From each State's allotment under this section for any fiscal year, the Secretary shall pay to such State a portion of the cost of approved projects for the extension and improvement of vocational rehabilitation services (including their administration) under the State plan. The Secretary shall approve any project for purposes of this section only if the plan of such State approved under section 5 includes such project or is modified to include it and only if he finds the project constitutes an extension or improvement of vocational rehabilitation services under the State plan or will contribute materially to such an extension or improvement.

"(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the first fiscal year for which any payment is made with respect to such project from an allotment under this section. To the extent permitted by the State's allotment under this section, such payments with respect to any project shall be equal to 75 per centum of the cost of such project, except that, at the request of the State, such payments may be less than such percentage of the cost of such project.

"(c) No payment may be made from an allotment under this section with respect to any cost with respect to which any payment is made under section 2.

"GRANTS FOR SPECIAL PROJECTS

"SEC. 4. (a) From the sums available therefor for any fiscal year, the Secretary shall make grants to States and public and other non-profit organizations and agencies (1) for paying part of the cost of projects for research, demonstrations, training, and traineeships, and projects for the establishment of special facilities and services, which, in the judgment of the Secretary, hold promise of making a substantial contribution to the solution of vocational rehabilitation problems common to all or several States, and (2) for planning, preparing for, and initiating, during the fiscal year ending June 30, 1955, and the fiscal year ending June 30, 1956, a substantial nationwide expansion of vocational rehabilitation programs in the States. No grant shall be made under clause (1) or clause (2) of this subsection for furnishing to an individual any one course of study extending for a period in excess of two years. Any grant of funds under this subsection which will be used for direct services to physically handicapped individuals or for establishing facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency.

"(b) The Secretary shall be authorized to cooperate in assisting with the financing of a pilot demonstration rehabilitation center in the metropolitan Washington area to be used as a guide for rehabilitation centers which may be set up later in other parts of the country. Sums made available for such a pilot demonstration center in the Washington area may be used during such initial period as the Secretary may determine for such services as hospitalization, domiciliary care, and rehabilitation training, including costs of board and room of trainees and other services essential to the program, as in the discretion of the Secretary deems desirable. The services of such a pilot demonstration rehabilitation center in the metropolitan Washington area shall be made available to area civil service employees as well as to other patients.

"(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may

HEW payment.

Project approval.

Duration.

Restriction.

Research, training, etc.

Program expansion.

Limitations.

Direct services. Approval.

Demonstration rehabilitation center, Washington, D. C., area.

Payments.

National Advisory Council on Vocational Rehabilitation.
Members.

Term of office.

Duties.

Per diem payments.

Report to Congress.

Requirements.

be determined by the Secretary; and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

“(d) (1) There is hereby established in the Department of Health, Education, and Welfare a National Advisory Council on Vocational Rehabilitation, consisting of the Secretary, or his designee, who shall be Chairman, and twelve members appointed without regard to civil-service laws by the Secretary. The twelve appointed members shall be leaders in fields concerned with vocational rehabilitation or in public affairs, and six of such twelve shall be selected from leading medical, educational, or scientific authorities who are outstanding for their work in the vocational rehabilitation of physically handicapped individuals. Three of the twelve appointed members shall be persons who are themselves physically handicapped. Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, three shall hold office for a term of three years, three shall hold office for a term of two years, and three shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such twelve members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

“(2) The Council is authorized to review applications for special projects submitted to the Secretary under this section and recommend to the Secretary for grants under this section any such projects or any projects initiated by it which it believes show promise of making valuable contributions to the vocational rehabilitation of physically handicapped individuals. The Secretary is authorized to utilize the services of any member or members of the Council in connection with matters relating to the administration of this section, for such periods, in addition to conference periods, as he may determine.

“(3) Appointed members of the Council, while attending meetings of the Council or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$50 per diem, and shall also be entitled to receive an allowance for actual and necessary traveling and subsistence expenses while so serving away from their places of residence.

“(4) The Secretary shall transmit to the Congress annually a report concerning the special projects initiated under this section, the recommendations of the National Advisory Council on Vocational Rehabilitation, and any action taken with respect to such recommendations.

“STATE PLANS

“SEC. 5. (a) To be approvable under this Act, a State plan for vocational rehabilitation services shall—

“(1) designate the State agency administering or supervising the administration of vocational education in the State, or a State rehabilitation agency (primarily concerned with vocational rehabilitation), as the sole State agency to administer the plan, or to supervise its administration in a political subdivision of the State by a sole local agency of such political subdivision, except that where under the State's law the State blind commission, or other agency which provides assistance or services to the adult blind, is authorized to provide them vocational rehabilitation services, such State blind commission or other State agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind (or to supervise the administration of such

part in a political subdivision of the State by a sole local agency of such political subdivision) and the State vocational education agency or the State rehabilitation agency shall be designated as the sole State agency with respect to the rest of the State plan;

“(2) provide that the head of the vocational rehabilitation bureau, division, or other unit of a State vocational education agency designated pursuant to paragraph (1), shall be subject only to the supervision and direction of such agency or its executive officer;

“(3) provide for financial participation by the State, and provide that the plan shall be in effect in all political subdivisions of the State;

“(4) show the plan, policies, and methods to be followed in carrying out the work under the State plan and in its administration and supervision, and in case vocational rehabilitation services cannot be provided all eligible physically handicapped individuals who apply for such services, show the order to be followed in selecting those to whom vocational rehabilitation services will be provided;

“(5) provide such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan;

“(6) contain (A) provisions relating to the establishment and maintenance of personnel standards, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational rehabilitation services, but the Secretary shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

“(7) provide that, in addition to training, maintenance, placement, and guidance, physical restoration services will be provided under the plan;

“(8) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

“(9) provide for cooperation by the State agency with, and the utilization of the services of, the State agency administering the State's public assistance program, and the Bureau of Old-Age and Survivors Insurance (Department of Health, Education, and Welfare) and of other Federal, State, and local public agencies providing services relating to vocational rehabilitation services;

“(10) provide for entering into cooperative arrangements with the system of public employment offices in the State and the maximum utilization of the job placement and employment counseling services and other services and facilities of such offices; and

“(11) provide that vocational rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons.

“(b) The Secretary shall approve any plan which the Secretary finds fulfills the conditions specified in subsection (a) of this section.

Approval.

Withholding of
payments.

“(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

“(1) the plan has been so changed that it no longer complies with the requirements of subsection (a) of this section; or

“(2) in the administration of the plan there is a failure to comply substantially with any such provision;
the Secretary shall notify such State agency that no further payments will be made to the State under section 2 or 3 (or, in his discretion, that further payments will not be made to the State for projects under or parts of the State plan affected by such failure), until he is satisfied that there is no longer any such failure. Until he is so satisfied the Secretary shall make no further payments to such State under section 2 or 3 (or shall limit payments to projects under or parts of the State plan in which there is no such failure).

Appeal.

“(d) If any State is dissatisfied with the Secretary's action under subsection (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of the Administrative Procedure Act.

60 Stat. 237.
5 USC 1001 note.

“METHOD OF COMPUTING AND MAKING PAYMENTS

“SEC. 6. The method of computing and paying amounts pursuant to section 2 or 3 shall be as follows:

“(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such section for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

“(2) The Secretary shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such section was greater or less than the amount which should have been paid to the State for such prior period under such section. Such payments shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Secretary may determine.

“ADMINISTRATION

“SEC. 7. (a) In carrying out his duties under this Act, the Secretary shall—

Studies, etc.

“(1) make studies, investigations, demonstrations, and reports with respect to abilities, aptitudes, and capacities of physically handicapped individuals, development of their potentialities, and their utilization in gainful and suitable employment;

Technical assistance, etc.

“(2) cooperate with and render technical assistance to States in matters relating to the vocational rehabilitation of physically handicapped individuals;

Training.

“(3) provide short-term training and instruction in technical matters relating to vocational rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall

be provided any individual for any one course of study for a period in excess of two years; and

“(4) disseminate information as to the studies, investigations, demonstrations, and reports referred to in paragraph (1) and other matters relating to vocational rehabilitation services, and otherwise promote the cause of rehabilitation of physically handicapped individuals and their greater utilization in gainful and suitable employment.

Information, etc.

“(b) The Secretary is authorized to make rules and regulations governing the administration of this Act, and to delegate to any officer or employee of the United States such of his powers and duties, except the making of rules and regulations, as he finds necessary in carrying out the purposes of this Act.

Rules and regulations.

“PROMOTION OF EMPLOYMENT OPPORTUNITIES

“SEC. 8. The Secretary of Labor and the Secretary of Health, Education, and Welfare shall cooperate in developing, and in recommending to the appropriate State agencies, policies and procedures which will facilitate the placement in employment of handicapped individuals who have received rehabilitation services under State vocational rehabilitation programs, and, together with the chairman of the President's Committee on Employment of the Physically Handicapped, shall develop and recommend methods which will assure maximum utilization of services which that committee, and cooperating State and local organizations, are able to render in promoting job opportunities for such individuals.

“REPORTS

“SEC. 9. Annual reports shall be made to the Congress by the Secretary as to the administration of this Act.

“AUTHORIZATION OF APPROPRIATION FOR ADMINISTRATION

“SEC. 10. There are hereby authorized to be included for each fiscal year in the appropriations for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

“DEFINITIONS

“SEC. 11. For the purposes of this Act—

“(a) The term ‘vocational rehabilitation services’ means diagnostic and related services (including transportation) incidental to the determination of eligibility for and the nature and scope of services to be provided; training, guidance and placement services for physically handicapped individuals; and, in the case of any such individual found to require financial assistance with respect thereto, after full consideration of his eligibility for any similar benefit by way of pension, compensation, and insurance, any other goods and services necessary to render such individual fit to engage in a remunerative occupation (including remunerative homebound work), including the following physical restoration and other goods and services—

“Vocational rehabilitation services”.

“(1) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such a nature that such cor-

rection or modification may reasonably be expected to eliminate or substantially reduce such handicap within a reasonable length of time;

"(2) necessary hospitalization in connection with surgery or treatment specified in paragraph (1);

"(3) such prosthetic devices as are essential to obtaining or retaining employment;

"(4) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

"(5) tools, equipment, initial stocks and supplies (including equipment and initial stocks and supplies for vending stands), books, and training materials, to any or all of which the State may retain legal title; and

"(6) transportation (except where necessary in connection with determination of eligibility or nature and scope of services) and occupational licenses.

Such term also includes—

"(7) the acquisition of vending stands or other equipment and initial stocks and supplies for use by severely handicapped individuals in any type of small business the operation of which will be improved through management and supervision by the State agency; and

"(8) the establishment of public and other nonprofit rehabilitation facilities to provide services for physically handicapped individuals and the establishment of public and other nonprofit workshops for the severely handicapped.

"Physically handicapped individuals."

"(b) The term 'physically handicapped individual' means any individual who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a remunerative occupation.

"Rehabilitation facility."

"(c) The term 'rehabilitation facility' means a facility operated for the primary purpose of assisting in the rehabilitation of physically handicapped individuals—

"(1) which provides one or more of the following types of services:

"(A) testing, fitting, or training in the use of prosthetic devices;

"(B) prevocational or conditioning therapy;

"(C) physical or occupational therapy;

"(D) adjustment training; or

"(E) evaluation or control of special disabilities; or

"(2) through which is provided an integrated program of medical, psychological, social, and vocational evaluation and services under competent professional supervision: *Provided*, That the major portion of such evaluation and services is furnished within the facility and that all medical and related health services are prescribed by, or are under the formal supervision of, persons licensed to practice medicine or surgery in the State.

"Workshop."

"(d) The term 'workshop' means a place where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing remunerative employment to severely handicapped individuals who cannot be readily absorbed in the competitive labor market.

"Nonprofit."

"(e) The term 'nonprofit', when used with respect to a rehabilitation facility or a workshop, means a rehabilitation facility and a workshop, respectively, owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the

income of which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

“(f) Establishment of a workshop or rehabilitation facility means—

“(1) in the case of a workshop, the expansion, remodeling, or alteration of existing buildings, necessary to adapt such buildings to workshop purposes or to increase the employment opportunities in workshops, and the acquisition of initial equipment necessary for new workshops or to increase the employment opportunities in workshops; and

“(2) in the case of a rehabilitation facility, the expansion, remodeling, or alteration of existing buildings, and initial equipment of such buildings, necessary to adapt such buildings to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may by regulations prescribe in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance to States in the construction of such facilities) and initial staffing thereof (for a period not exceeding one year).

“(g) The term ‘State’ includes Alaska, the District of Columbia, Hawaii, the Virgin Islands, and Puerto Rico, and for purposes of section 4, includes also Guam.

“(h) (1) The ‘allotment percentage’ for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that (A) the allotment percentage shall in no case be more than 75 per centum or less than $33\frac{1}{3}$ per centum, and (B) the allotment percentage for Hawaii shall be 50 per centum, and the allotment percentage for Alaska, Puerto Rico, and the Virgin Islands shall be 75 per centum.

“(2) The allotment percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Secretary shall promulgate such percentages as soon as possible after the enactment of the Vocational Rehabilitation Amendments of 1954, which promulgation shall be conclusive for the three fiscal years in the period ending June 30, 1957.

“(i) The ‘Federal share’ for any State for any fiscal year (other than the fiscal year ending June 30, 1954) shall be 100 per centum less that percentage which bears the same ratio to 40 per centum as the per capita income of such State bears to the per capita income of the continental United States (excluding Alaska), except that (A) the Federal share shall in no case be more than 70 per centum or less than 50 per centum, and (B) the Federal share for Hawaii and Alaska shall be 60 per centum, and the Federal share for Puerto Rico and the Virgin Islands shall be 70 per centum. In computing the Federal share of a State for a year, the Secretary shall use the same figures for per capita incomes of the States and of the United States as he used in computing the allotment percentage of such State for such year.

“(j) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

“(k) The term ‘Secretary’, except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

Establishment.

Workshop.

Rehabilitation facility.

“State.”

“Allotment percentage.”

“Federal share.”

State population.

“Secretary.”

"TRANSITION PROVISIONS"

"SEC. 12. (a) In the case of any State which, immediately prior to July 1, 1954, was carrying on a vocational rehabilitation program under a State plan approved under this Act, such State plan shall be deemed to be a State plan approved under section 5 of this Act until (1) the Secretary finds, after reasonable notice and opportunity for a hearing to the State agency, that such plan has been so changed that it no longer complies with any provision required to be included in such plan under this Act as in effect prior to the enactment of the Vocational Rehabilitation Amendments of 1954, or in the administration of such plan there is a failure to comply substantially with any such provision, or (2) the plan is superseded by a plan approved under section 5 of this Act, or (3) July 1, 1955, whichever occurs first.

"(b) Sums appropriated for grants to States for the fiscal year ending June 30, 1955, pursuant to the Vocational Rehabilitation Act in effect prior to the enactment of the Vocational Rehabilitation Amendments of 1954 (including the portion of sums made available to the Secretary for rehabilitation services in the District of Columbia) shall be deemed to have been made available for grants to States under section 2 of this Act. Payments made from such sums to a State prior to the enactment of the Vocational Rehabilitation Amendments of 1954 (including payments made from such sums before or after such enactment for vocational rehabilitation services in the District of Columbia) shall be deemed to have been paid under this Act from the State's allotment under such section 2.

"SHORT TITLE"

"SEC. 13. This Act may be cited as the 'Vocational Rehabilitation Act'."

VOCATIONAL REHABILITATION PROGRAM IN THE DISTRICT OF COLUMBIA

Transfer to D.C.
government.

49 Stat. 1559.

41 Stat. 735.
29 USC 41.

SEC. 3. (a) The personnel, property, and records which the Director of the Bureau of the Budget determines relate primarily to the provision of vocational rehabilitation services in the District of Columbia or the performance of functions of a State licensing agency under the Act of June 20, 1936 (20 U. S. C., ch. 6A), shall be transferred, within ninety days after the enactment of this Act, from the Department of Health, Education, and Welfare to the municipal government of the District of Columbia for use in providing such services and performing such functions in the District of Columbia.

(b) The Board of Commissioners of the District of Columbia is hereby authorized, within available appropriations and allotted funds, to take such action as may be necessary to secure for the District of Columbia the benefits of the Vocational Rehabilitation Act, as amended by this Act, and the Act of June 20, 1936 (20 U. S. C., ch. 6A).

(c) Notwithstanding anything to the contrary in section 2 or any other provision of this Act, the Secretary of Health, Education, and Welfare is authorized to continue the performance of functions relating to the provision of vocational rehabilitation services in the District of Columbia and to use appropriations available therefor until completion of the transfer provided in subsection (a) in like manner as such functions were being performed and appropriations used by such Secretary immediately prior to the enactment of this Act.

AMENDMENTS TO THE RANDOLPH-SHEPPARD VENDING STAND ACT

SEC. 4. (a) The first section of the Act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes", approved June 20, 1936, as amended (20 U. S. C., sec. 107), is amended to read as follows: "That for the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this Act shall be authorized to operate vending stands on any Federal property where such vending stands may be properly and satisfactorily operated by blind persons. In authorizing the operation of vending stands on Federal property, preference shall be given, so far as feasible, to blind persons licensed by a State agency as provided in this Act; and the head of each department or agency in control of the maintenance, operation, and protection of Federal property shall, after consultation with the Secretary, and with the approval of the President, prescribe regulations designed to assure such preference (including assignment of vending machine income to achieve and protect such preference) for such licensed blind persons without unduly inconveniencing such departments and agencies or adversely affecting the interests of the United States."

Blind persons.
Vending stand
operation.

(b) (1) Section 2 (a) of such Act of June 20, 1936, as amended (20 U. S. C., sec. 107a), is amended by striking out "in Federal and other buildings" where it appears in paragraph (1) and inserting in lieu thereof "on Federal and other property", and by amending paragraph (4) to read as follows:

Concession-
stand opportuni-
ties.

"(4) Designate as provided in section 3 of this Act the State commission for the blind in each State, or, in any State in which there is no such commission, some other public agency to issue licenses to blind persons who are citizens of the United States and at least twenty-one years of age for the operating of vending stands on Federal and other property in such State for the vending of newspapers, periodicals, confections, tobacco products, articles dispensed automatically or in containers or wrapping in which they are placed before receipt by the vending stand, and such other articles as may be approved for each property by the department or agency in control of the maintenance, operation, and protection thereof and the State licensing agency in accordance with the regulations prescribed pursuant to the first section: *Provided*, That (A) effective four years after the enactment of the Vocational Rehabilitation Amendments of 1954, in any State having an approved plan for vocational rehabilitation pursuant to the Vocational Rehabilitation Act, the licensing agency to be designated hereunder shall be the State agency designated pursuant to section 5 (a) (1) of such Act as the sole State agency with respect to vocational rehabilitation of the blind; and (B) prior to such time, no license shall be granted except upon certification by a vocational rehabilitation agency that the individual is qualified to operate a vending stand."

State licensing
agencies.

(2) Paragraph (5) of such subsection is amended by inserting "including the issuance of rules and regulations," after "steps".

Restrictions.

29 USC 41.

29 USC 35.

(c) Section 2 (b) of such Act of June 20, 1936, as amended, is amended by striking out the third sentence thereof.

HEW regulations.

20 USC 107a(b).

(d) Section 2 (c) of such Act of June 20, 1936, as amended, is amended to read as follows:

20 USC 107a(c).

"(c) The State licensing agency designated by the Secretary is authorized, with the approval of the head of the department or agency in control of the maintenance, operation, and protection of the Federal property on which the stand is to be located but subject to regulations

Location and
type of stand.

prescribed pursuant to the first section, to select a location for such stand and the type of stand to be provided.”

State licensing
agency.
Application for
designation.

(e) Section 3 of such Act of June 20, 1936, as amended (20 U. S. C., sec. 107b), is amended to read as follows:

“SEC. 3. A State commission for the blind or other State agency desiring to be designated as the licensing agency shall, with the approval of the chief executive of the State, make application to the Secretary and agree—

“(1) to cooperate with the Secretary in carrying out the purpose of this Act;

“(2) to provide for each licensed blind person such vending stand equipment, and adequate initial stock of suitable articles to be vended therefrom, as may be necessary: *Provided, however,* That such equipment and stock may be owned by the licensing agency for use of the blind, or by the blind individual to whom the license is issued: *And provided further,* That if ownership of such equipment is vested in the blind licensee, (A) the State licensing agency shall retain a first option to repurchase such equipment and (B) in the event such individual dies or for any other reason ceases to be a licensee or transfers to another vending stand, ownership of such equipment shall become vested in the State licensing agency (for transfer to a successor licensee) subject to an obligation on the part of the State licensing agency to pay to such individual (or to his estate) the fair value of his interest therein as later determined in accordance with regulations of the State licensing agency and after opportunity for a fair hearing.

“(3) that if any funds are set aside, or caused to be set aside, from the proceeds of the operation of the vending stands such funds shall be set aside, or caused to be set aside, only to the extent necessary for and may be used only for the purposes of (A) maintenance and replacement of equipment; (B) the purchase of new equipment; (C) management services; and (D) assuring a fair minimum return to operators of vending stands: *Provided, however,* That in no event shall the amount of such funds to be set aside from the proceeds of any vending stand exceed a reasonable amount which shall be determined by the Secretary;

“(4) to make such reports in such form and containing such information as the Secretary may from time to time require and to comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

“(5) to issue such regulations, consistent with the provisions of this Act, as may be necessary for the operation of this program;

“(6) to provide to any blind licensee dissatisfied with any action arising from the operation or administration of the vending stand program an opportunity for a fair hearing.”

(f) Section 6 of such Act of June 20, 1936, as amended (20 U. S. C., sec. 107e), is amended by adding at the end thereof the following new subsections:

“Federal property.”

“(d) The term ‘Federal property’ means any building, land, or other real property owned, leased, or occupied by any department or agency of the United States or any instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any Territory or possession of the United States.

“Secretary.”

“(e) The term ‘Secretary’ means the Secretary of Health, Education, and Welfare.”

20 USC 107f.

(g) Such Act of June 20, 1936, as amended, is amended by renumbering section 7 as section 8, and by inserting immediately after section 6 the following new section:

"SEC. 7. In the case of any State which, immediately prior to July 1, 1954, was performing the functions of a State licensing agency pursuant to an application for designation approved under this Act, such application shall be deemed to be an application approved under section 3 of this Act, as amended by the Vocational Rehabilitation Amendments of 1954, until (1) the Secretary finds, after reasonable notice and opportunity for a hearing to the State licensing agency, that the provisions contained in such application have been changed so that it no longer complies with any provisions required to be included in such application under this Act, as in effect prior to July 1, 1954, or that in the administration of the program there is a failure to comply substantially with any such provision, or (2) the application is superseded by an application approved under section 3 of this Act after July 1, 1954, or (3) July 1, 1955, whichever first occurs."

State acting as
licensing agency
before July 1, 1954.
Status.

PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE PHYSICALLY
HANDICAPPED

SEC. 5. The joint resolution entitled "Joint resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week", approved July 11, 1949 (63 Stat. 409), is amended by striking out "\$75,000" and inserting in lieu thereof "\$225,000".

Appropriation.

UNITED STATES EMPLOYMENT SERVICES

SEC. 6. (a) The first sentence of subsection (a) of section 3 of the Act of June 6, 1933, as amended (29 U. S. C., sec. 49b), is hereby amended by inserting after "gainful occupations," the following: "including employment counseling and placement services for handicapped persons,".

48 Stat. 114.

(b) Section 8 of such Act, as amended (29 U. S. C., sec. 49g), is further amended by inserting after the first sentence thereof a new sentence to read as follows: "Such plans shall include provision for the promotion and development of employment opportunities for handicapped persons and for job counseling and placement of such persons, and for the designation of at least one person in each State or Federal employment office, whose duties shall include the effectuation of such purposes."

HOMEBOUND PHYSICALLY HANDICAPPED INDIVIDUALS

SEC. 7. The Secretary of Health, Education, and Welfare shall make a thorough study of existing programs for teaching and training handicapped persons, commonly known as shut-ins, whose disabilities confine them to their homes or beds, for the purpose of ascertaining whether additional or supplementary programs or services are necessary, particularly in rural areas, in order to provide adequate general ameliorative and vocational training for such handicapped persons. The Secretary shall report to the Congress not later than six months after the date of enactment of this Act the results of such study, together with such recommendations as may be desirable.

Study of existing
programs.

Report to Con-
gress.

EFFECTIVE DATE

SEC. 8. The amendments made by this Act shall become effective July 1, 1954.

Approved August 3, 1954.

Public Law 566

CHAPTER 656

August 4, 1954
[H. R. 6788]

AN ACT

To authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes.

Watershed Pro-
tection and Flood
Prevention Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That erosion, flood-water, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and that it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water and thereby of preserving and protecting the Nation's land and water resources.

SEC. 2. For the purposes of this Act, the following terms shall mean:

"Secretary."

The "Secretary"—the Secretary of Agriculture of the United States.

"Works of im-
provement."

"Works of improvement"—any undertaking for—

(1) flood prevention (including structural and land-treatment measures) or

(2) agricultural phases of the conservation, development, utilization, and disposal of water

in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than five thousand acre-feet of total capacity. No appropriation shall be made for any plan for works of improvement which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, respectively. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

"Local organi-
zation."

"Local organization"—any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement.

Assistance to
local organiza-
tions.
Application.

SEC. 3. In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations if such application has been submitted to, and not disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this Act, or by the Governor if there is no State agency having such responsibility—

(1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;

(2) to make such studies as may be necessary for determining the physical and economic soundness of plans for works of improvement, including a determination as to whether benefits exceed costs;

(3) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: *Provided,*

That, for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;

(4) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section.

SEC. 4. The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall—

Conditions for
Federal assist-
ance.

(1) acquire without cost to the Federal Government such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance;

(2) assume such proportionate share of the cost of installing any works of improvement involving Federal assistance as may be determined by the Secretary to be equitable in consideration of anticipated benefits from such improvements: *Provided*, That no part of the construction cost for providing any capacity in structures for purposes other than flood prevention and features related thereto shall be borne by the Federal Government under the provisions of this Act;

(3) make arrangements satisfactory to the Secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;

(4) acquire, or provide assurance that landowners have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement; and

(5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with Federal assistance.

SEC. 5. At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, the Secretary is authorized to assist such local organizations in developing specifications, in preparing contracts for construction, and to participate in the installation of such works of improvement in accordance with the plan: *Provided*, That, except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure unless there is no local organization authorized by State law to undertake such construction or to enter into such contract, and in no event after July 1, 1956: *Provided*, That in participating in the installation of such works of improvement the Secretary, as far as practicable and consistent with his responsibilities for administering the overall national agricultural program, shall utilize the authority conferred upon him by the provisions of this Act: *Provided further*, That, at least forty-five days (counting only days occurring during any regular or special sessions of the Congress) before such installation involving Federal assistance is commenced, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President: *Provided further*, That any such plan (a) which includes reclamation or irrigation works or which affects public or other lands under the jurisdiction of the Secretary of the Interior, or (b) which includes Federal assistance for floodwater detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least sixty

Works of im-
provement.
Installation.

Federal con-
struction.

Submission of
plan, etc., to Con-
gress.

Prior submis-
sion to Secretary
of Army or Interior.

- days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and the Secretary of the Army, if received by the Secretary of Agriculture prior to the expiration of the above sixty-day period, shall accompany the plan transmitted by the Secretary of Agriculture to the Congress through the President: *Provided further*, That, prior to any Federal participation in the works of improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work of other agencies including the Department of the Interior and the Department of the Army.
- Regulations.**
- Cooperative programs.** SEC. 6. The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watersheds of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning and development of works or programs for such lands.
- Repeals.**
33 USC 701b. SEC. 7. The provisions of the Act of June 22, 1936 (49 Stat. 1570), as amended and supplemented, conferring authority upon the Department of Agriculture under the direction of the Secretary of Agriculture to make preliminary examinations and surveys and to prosecute works of improvement for runoff and waterflow retardation and soil erosion prevention on the watersheds of rivers and other waterways are hereby repealed: *Provided*, That (a) the authority of that Department of Agriculture, under the direction of the Secretary, to prosecute the works of improvement for runoff and waterflow retardation and soil erosion prevention authorized to be carried out by the Department by the Act of December 22, 1944 (58 Stat. 887), as amended, and (b) the authority of the Secretary of Agriculture to undertake emergency measures for runoff retardation and soil erosion prevention authorized to be carried out by section 7 of the Act of June 28, 1938 (52 Stat. 1215), as amended by section 216 of the Act of May 17, 1950 (64 Stat. 163), shall not be affected by the provisions of this section.
- Exception.**
- 33 USC 701b-1.
Appropriations. SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended.
- Short title.** SEC. 9. This Act may be cited as the "Watershed Protection and Flood Prevention Act".
- Approved August 4, 1954.

Public Law 567

CHAPTER 657

August 5, 1954
[H. R. 5173]

AN ACT

To provide that the excess of collections from the Federal unemployment tax over employment security administrative expenses shall be used to establish and maintain a \$200,000,000 reserve in the Federal unemployment account which will be available for advances to the States, to provide that the remainder of such excess shall be returned to the States, and for other purposes.

Employment
Security Admin-
istrative Financing
Act of 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Employment Security Administrative Financing Act of 1954".

49 Stat. 639.
42 USC 1101.

SEC. 2. So much of title IX of the Social Security Act as precedes section 904 thereof is hereby amended to read as follows:

“TITLE IX—MISCELLANEOUS PROVISIONS RELATING TO EMPLOYMENT SECURITY

“APPROPRIATIONS

“SEC. 901. (a) (1) There are hereby appropriated to the Unemployment Trust Fund, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1954, and for each fiscal year thereafter, an amount equal to the amount by which—

Unemployment
Trust Fund.

“(A) 100 per centum of the tax (including interest, penalties, and additions to the tax) received during the fiscal year under the Federal Unemployment Tax Act and covered into the Treasury; exceeds

53 Stat. 183,
1396.
26 USC 1611.

“(B) the sum of (i) the employment security administrative expenditures for such year, (ii) the refunds of such tax (including interest on such refunds) made during such fiscal year, and (iii) the amounts appropriated by section 1202 (b) for such fiscal year.

“(2) The amount appropriated by paragraph (1) for any fiscal year shall be transferred from the general fund in the Treasury to the Unemployment Trust Fund at the close of such fiscal year. Each such transfer shall be based on estimates made by the Secretary of the Treasury as of the close of such fiscal year, but proper adjustment shall be made in the amount transferred at the close of the succeeding fiscal year to the extent that such estimates prove to be erroneous. The Secretary of the Treasury shall make his estimate of those employment security administrative expenditures for any fiscal year which are described in subsection (b) (1) only after consultation with the Secretary of Labor.

“(b) For the purposes of subsection (a), the term ‘employment security administrative expenditures’ means, in the case of any fiscal year, the sum of—

“Employment
security adminis-
trative expendi-
tures.”

“(1) the aggregate of the amounts expended during the fiscal year for the purpose of assisting the States in (A) the administration of their unemployment compensation laws (including administration pursuant to agreements under title IV of the Veterans’ Readjustment Assistance Act of 1952), (B) the establishment and maintenance of systems of public employment offices in accordance with the Act of June 6, 1933, as amended (29 U. S. C., sec. 49–49n), and (C) carrying into effect section 602 of the Servicemen’s Readjustment Act of 1944, as amended; and

66 Stat. 684.
38 USC 991-999.

48 Stat. 113.
39 USC 338.

58 Stat. 294.
38 USC 695b.

“(2) the amount estimated by the Secretary of Labor as equal to the necessary expenses incurred during the fiscal year for the performance by the Department of Labor of its functions (except its functions with respect to Puerto Rico and the Virgin Islands) under (i) this title and titles III and XII of this Act, (ii) the Federal Unemployment Tax Act, (iii) the provisions of the Act of June 6, 1933, as amended, (iv) title IV (except section 602) of the Servicemen’s Readjustment Act of 1944, as amended, and (v) title IV of the Veterans’ Readjustment Act of 1952; and

“(3) the amount estimated by the Secretary of the Treasury as equal to the necessary expenses incurred during the fiscal year for the performance by the Department of the Treasury of its functions under this title and titles III and XII of this Act and under the Federal Unemployment Tax Act.

“AMOUNTS CREDITED TO FEDERAL UNEMPLOYMENT ACCOUNT

“SEC. 902. Whenever any amount is transferred to the Unemployment Trust Fund under section 901 (a), there shall be credited (as

of the beginning of the succeeding fiscal year) to the Federal unemployment account so much of such amount as equals whichever of the following is the lesser:

“(1) The total amount so transferred; or

“(2) The amount by which \$200,000,000 exceeds the adjusted balance in the Federal unemployment account at the close of the fiscal year for which the transfer is made.

“Adjusted balance,”

Post, p. 672.

For the purposes of the preceding sentence, the term ‘adjusted balance’ means the amount by which the balance in the Federal unemployment account exceeds the sum of the outstanding advances under section 1202 (c) to the Federal unemployment account.

“AMOUNTS CREDITED TO STATES’ ACCOUNTS

“SEC. 903. (a) So much of any amount transferred to the Unemployment Trust Fund at the close of any fiscal year under section 901 (a) as is not credited to the Federal unemployment account under section 902 shall be credited (as of the beginning of the succeeding fiscal year) to the accounts of the States in the Unemployment Trust Fund. Each State’s share of the funds to be credited under this subsection as of any July 1 shall be determined by the Secretary of Labor and certified by him to the Secretary of the Treasury on or before that date on the basis of reports furnished by the States to the Secretary of Labor by June 1 and shall bear the same ratio to the total amount to be so credited as the amount of wages subject to contributions under such State unemployment compensation law during the preceding calendar year which have been reported to the State by May 1 bears to the total of wages subject to contributions under all State compensation laws during such calendar year which have been reported to the States by such May 1.

“(b) If the Secretary of Labor finds that on July 1 of any fiscal year—

42 USC 503.

“(1) a State is not eligible for certification under section 303, or

26 USC 1603.

“(2) the law of a State is not approvable under section 1603 of the Federal Unemployment Tax Act,

then the amount available for crediting to such State’s account shall, in lieu of being so credited, be credited to the Federal unemployment account as of the beginning of such July 1. If, during the fiscal year beginning on such July 1, the Secretary of Labor finds and certifies to the Secretary of the Treasury that such State is eligible for certification under section 303, that the law of such State is approvable under such section 1603, or both, the Secretary of the Treasury shall transfer such amount from the Federal unemployment account to the account of such State. If the Secretary of Labor does not so find and certify to the Secretary of the Treasury before the close of such fiscal year then the amount which was available for credit to such State’s account as of July 1 of such fiscal year shall (as of the close of such fiscal year) become unrestricted as to use as part of the Federal unemployment account.

“(c) (1) Amounts credited to the account of a State pursuant to subsection (a) shall, except as provided in paragraph (2), be used only in the payment of cash benefits to individuals with respect to their unemployment, exclusive of expenses of administration.

“(2) A State may, pursuant to a specific appropriation made by the legislative body of the State, use money withdrawn from its account in the payment of expenses incurred by it for the administration of its unemployment compensation law and public employment offices if and only if—

"(A) the purposes and amounts were specified in the law making the appropriation,

"(B) the appropriation law did not authorize the expenditure of such money after the close of the two-year period which began on the date of enactment of the appropriation law,

"(C) the money is withdrawn and the expenses are incurred after such date of enactment, and

"(D) the appropriation law limits the total amount which may be so used during a fiscal year to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of such State pursuant to subsection (a) during such fiscal year and the four preceding fiscal years, exceeds (ii) the aggregate of the amounts used by the State pursuant to this paragraph and charged against the amounts credited to the account of such State during any of such five fiscal years.

For the purposes of subparagraph (D), amounts used by a State during any fiscal year shall be charged against equivalent amounts which were first credited and which have not previously been so charged; except that no amount used during any fiscal year may be charged against any amount credited during a fiscal year earlier than the fourth preceding fiscal year."

SEC. 3. Title XII of the Social Security Act is hereby amended to read as follows:

58 Stat. 790.
42 USC 1321.

"TITLE XII—ADVANCES TO STATE UNEMPLOYMENT FUNDS

"SEC. 1201. (a) If—

"(1) the balance in the unemployment fund of a State in the Unemployment Trust Fund at the close of September 30, 1953, or at the close of the last day in any ensuing calendar quarter, is less than the total compensation paid out under the unemployment compensation law of such State during the twelve-month period ending at the close of such day;

Eligibility requirements.

"(2) the Governor of such State applies to the Secretary of Labor during the calendar quarter following such day for an advance under this subsection; and

"(3) the Secretary of Labor finds that the conditions specified in paragraphs (1) and (2) have been met,

the Secretary of Labor shall certify to the Secretary of the Treasury such amounts as may be specified in the application of the Governor, but the aggregate of the amounts so certified pursuant to any such application shall not exceed the highest total compensation paid out under the unemployment compensation law of such State during any one of the four calendar quarters preceding the quarter in which such application was made. For the purposes of this subsection, (A) the application shall be made on such forms, and shall contain such information and data (fiscal and otherwise) concerning the operation and administration of the State unemployment compensation law, as the Secretary of Labor deems necessary or relevant to the performance of his duties under this title, and (B) the term 'compensation' means cash benefits payable to individuals with respect to their unemployment, exclusive of expenses of administration.

Certification.

"(b) The Secretary of the Treasury shall, prior to audit or settlement by the General Accounting Office, transfer from the Federal unemployment account to the account of any State in the Unemployment Trust Fund the amounts certified under subsection (a) by the Secretary of Labor (but not exceeding that portion of the balance in the Federal unemployment account at the time of such transfer which is not restricted as to use pursuant to section 903 (b)). Any amount

Application.

Transfer of funds.

Ante, p. 670.

so transferred shall be an advance which shall be repaid (without interest) by the State to the Federal unemployment account in the manner provided in subsections (a) and (b) (1) of section 1202.

Repayments.

"SEC. 1202. (a) The Governor of any State may at any time request that funds be transferred from the account of such State to the Federal unemployment account in repayment of part or all of any remaining balance of advances made to such State under section 1201. The Secretary of Labor shall certify to the Secretary of the Treasury the amount stated in such request; and the Secretary of the Treasury shall promptly transfer such amount.

Appropriations.

"(b) (1) There are hereby appropriated to the Unemployment Trust Fund for credit to the Federal unemployment account, out of any moneys in the Treasury not otherwise appropriated, amounts equal to the amounts by which (A) 100 per centum of the additional tax received under the Federal Unemployment Tax Act by reason of the reduced credits provisions of section 1601 (c) (2) of such Act and covered into the Treasury, exceeds (B) the amounts appropriated by paragraph (2). Any amount so appropriated shall be credited against, and shall operate to reduce, the remaining balance of advances under section 1201 to the State with respect to which employers paid such additional tax.

26 USC 1611.
Infra.

"(2) Whenever the amount of such additional tax paid, received, and covered into the Treasury exceeds the remaining balance of advances under section 1201 to the State, there is hereby appropriated to the Unemployment Trust Fund for credit to the account of such State, out of any moneys in the Treasury not otherwise appropriated, an amount equal to such excess.

"(3) The amounts appropriated by paragraphs (1) and (2) shall be transferred at the close of the month in which the moneys were covered into the Treasury to the Unemployment Trust Fund for credit to the Federal unemployment account or to the account of the State, as the case may be, as of the first day of the succeeding month.

Advances.

"(c) There are hereby authorized to be appropriated to the Federal unemployment account, as repayable advances (without interest), such sums as may be necessary to carry out the purposes of this title.

"Governor."

"SEC. 1203. When used in this title, the term 'Governor' shall include the Commissioners of the District of Columbia."

26 USC 1601(c). SEC. 4. Section 1601 (c) of the Internal Revenue Code (Federal Unemployment Tax Act) is hereby amended to read as follows:

"(c) LIMIT ON TOTAL CREDITS.—

"(1) The total credits allowed to a taxpayer under this section shall not exceed 90 per centum of the tax against which such credits are allowable.

Ante, p. 671.

"(2) If an advance or advances have been made to the unemployment account of a State under title XII of the Social Security Act, and if any balance of such advance or advances has not been returned to the Federal unemployment account as provided in that title before December 1 of the taxable year, then the total credits (after other reductions under this section) otherwise allowable under this section for such taxable year in the case of a taxpayer subject to the unemployment compensation law of such State shall be reduced—

26 USC 1600.

"(A) in the case of a taxable year beginning with the fourth consecutive January 1 on which such a balance of unreturned advances existed, by 5 per centum of the tax imposed by section 1600 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State; and

“(B) in the case of any succeeding taxable year beginning with a consecutive January 1 on which such a balance of unreturned advances existed, by an additional 5 per centum, for each such succeeding taxable year, of the tax imposed by section 1600 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State.

For the purposes of this paragraph, wages shall be attributable to a particular State if they are subject to the unemployment compensation law of the State, or (if not subject to the unemployment compensation law of any State) if they are determined (under rules or regulations prescribed by the Secretary) to be attributable to such State.”

Wages.

SEC. 5. (a) (1) Section 303 (a) (5) of the Social Security Act is hereby amended by striking out the semicolon and inserting in lieu thereof a colon and the following: “*Provided further*, That the amounts specified by section 903 (c) (2) may, subject to the conditions prescribed in such section, be used for expenses incurred by the State for administration of its unemployment compensation law and public employment offices;”.

60 Stat. 991.
42 USC 503(a)
(5).

Ante, p. 670.

(2) Section 1603 (a) (4) of the Internal Revenue Code is hereby amended by striking out the semicolon and inserting in lieu thereof a colon and the following: “*Provided further*, That the amounts specified by section 903 (c) (2) of the Social Security Act may, subject to the conditions prescribed in such section, be used for expenses incurred by the State for administration of its unemployment compensation law and public employment offices;”.

26 USC 1603
(a)(4).

Ante, p. 670.

(3) Section 1607 (f) of the Internal Revenue Code is hereby amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: “*Provided further*, That the amounts specified by section 903 (c) (2) of the Social Security Act may, subject to the conditions prescribed in such section, be used for expenses incurred by the State for administration of its unemployment compensation law and public employment offices.”.

26 USC 1607(f).

Ante, p. 670.

(b) Section 904 (a) of the Social Security Act is hereby amended by striking out “or deposited pursuant to appropriations to the Federal unemployment account” and inserting in lieu thereof “, or otherwise deposited in or credited to the Fund or any account therein”.

58 Stat. 789.
42 USC 1104(a).

(c) Section 904 (b) of the Social Security Act is hereby amended by adding at the end thereof the following new sentence: “Advances to the Federal unemployment account pursuant to section 1202 (c) shall not be invested.”

49 Stat. 641.
42 USC 1104(b).

Ante, p. 672.

(d) Section 904 (e) of the Social Security Act is hereby amended by adding at the end thereof the following new sentence: “For the purposes of this subsection, the average daily balance shall be computed—

42 USC 1104(e).

“(1) in the case of any State account, by reducing (but not below zero) the amount in the account by the aggregate of the outstanding advances under section 1201 from the Federal unemployment account, and

Ante, p. 671.

“(2) in the case of the Federal unemployment account, (A) by adding to the amount in the account the aggregate of the reductions under paragraph (1), and (B) by subtracting from the sum so obtained the aggregate of the outstanding advances from the Treasury to the account pursuant to section 1202 (c).”

Ante, p. 672.

(e) Section 904 (g) of the Social Security Act is hereby repealed.

Repeal.
42 USC 1104(g).

(f) (1) Clause (2) of the second sentence of section 904 (h) of the Social Security Act is hereby amended to read as follows: “(2) the excess of taxes collected under the Federal Unemployment Tax Act

61 Stat. 794; 64
Stat. 560.
42 USC 1104(h).

after June 30, 1946, and prior to July 1, 1953, over the unemployment administrative expenditures made after June 30, 1946, and prior to July 1, 1953”.

(2) The third sentence of such section 904 (h) is hereby repealed.

Approved August 5, 1954.

Public Law 568

CHAPTER 658

August 5, 1954
[H. R. 303]

AN ACT

To transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes.

Indian hospitals.
Transfer to Public Health Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all functions, responsibilities, authorities, and duties of the Department of the Interior, the Bureau of Indian Affairs, Secretary of the Interior, and the Commissioner of Indian Affairs relating to the maintenance and operation of hospital and health facilities for Indians, and the conservation of the health of Indians, are hereby transferred to, and shall be administered by, the Surgeon General of the United States Public Health Service, under the supervision and direction of the Secretary of Health, Education, and Welfare: *Provided*, That hospitals now in operation for a specific tribe or tribes of Indians shall not be closed prior to July 1, 1956, without the consent of the governing body of the tribe or its organized council.

Restriction.

HEW transfer to state or private institutions.

SEC. 2. Whenever the health needs of the Indians can be better met thereby, the Secretary of Health, Education, and Welfare is authorized in his discretion to enter into contracts with any State, Territory, or political subdivision thereof, or any private nonprofit corporation, agency or institution providing for the transfer by the United States Public Health Service of Indian hospitals or health facilities, including initial operating equipment and supplies.

Condition.

Restriction.

It shall be a condition of such transfer that all facilities transferred shall be available to meet the health needs of the Indians and that such health needs shall be given priority over those of the non-Indian population. No hospital or health facility that has been constructed or maintained for a specific tribe of Indians, or for a specific group of tribes, shall be transferred by the Secretary of Health, Education, and Welfare to a non-Indian entity or organization under this Act unless such action has been approved by the governing body of the tribe, or by the governing bodies of a majority of the tribes, for which such hospital or health facility has been constructed or maintained: *Provided*, That if, following such transfer by the United States Public Health Service, the Secretary of Health, Education, and Welfare finds the hospital or health facility transferred under this section is not thereafter serving the need of the Indians, the Secretary of Health, Education, and Welfare shall notify those charged with management thereof, setting forth needed improvements, and in the event such improvements are not made within a time to be specified, shall immediately assume management and operation of such hospital or health facility.

Failure to meet requirements.

HEW regulations.

SEC. 3. The Secretary of Health, Education, and Welfare is also authorized to make such other regulations as he deems desirable to carry out the provisions of this Act.

Personnel, etc.

SEC. 4. The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), which the Director of the Bureau of the Budget shall determine to relate primarily to the functions transferred to the

Public Health Service of the Department of Health, Education, and Welfare hereunder, are transferred for use in the administration of the functions so transferred. Any of the personnel transferred pursuant to this Act which the transferee agency shall find to be in excess of the personnel necessary for the administration of the functions transferred to such agency shall be retransferred under existing law to other positions in the Government or separated from the service.

SEC. 5. The Act of April 3, 1952 (66 Stat. 35), and all other laws or parts of laws in conflict herewith, are hereby repealed.

25 USC 444-449.
Repeals.

SEC. 6. This Act shall take effect July 1, 1955.

Effective date.

Approved August 5, 1954.

Public Law 569

CHAPTER 659

AN ACT

To extend emergency foreign merchant vessel acquisition and operating authority of Public Law 101, Seventy-seventh Congress, and for other purposes.

August 9, 1954
[S. 2371]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during any period in which vessels may be requisitioned under section 902 of the Merchant Marine Act, 1936, as amended, the President is authorized and empowered through the Secretary of Commerce to purchase, or to requisition, or for any part of such period to charter or requisition the use of, or to take over the title to or possession of, for such use or disposition as he shall direct, any merchant vessel not owned by citizens of the United States which is lying idle in waters within the jurisdiction of the United States, including the Canal Zone, and which the President finds to be necessary to the national defense. Just compensation shall be determined and made to the owner or owners of any such vessel in accordance with the applicable provisions of section 902 of the Merchant Marine Act, 1936, as amended. Such compensation hereunder, or advances on account thereof, shall be deposited with the Treasurer of the United States in a separate deposit fund. Payments for such compensation and also for payment of any valid claim upon such vessel in accord with the provisions of the second paragraph of subsection (d) of such section 902, as amended, shall be made from such fund upon the certificate of the Secretary of Commerce.

Foreign vessels.
Emergency ac-
quisition.
49 Stat. 2015.
46 USC 1242.

SEC. 2. During any period in which vessels may be requisitioned under section 902 of the Merchant Marine Act, 1936, as amended, the President is authorized through the Secretary of Commerce to acquire by voluntary agreement of purchase or charter the ownership or use of any merchant vessel not owned by citizens of the United States.

46 USC 1242.

SEC. 3. (a) Any vessel not documented under the laws of the United States, acquired by or made available to the Secretary of Commerce under this Act, or otherwise, may, notwithstanding any other provision of law, in the discretion of the Secretary of the Treasury be documented as a vessel of the United States under such rules and regulations or orders, and with such limitations, as the Secretary of the Treasury may prescribe or issue as necessary or appropriate to carry out the purposes and provisions of this Act, and in accordance with the provisions of subsection (c) hereof, engage in the coastwise trade when so documented. Any document issued to a vessel under the provisions of this subsection shall be surrendered at any time that such surrender may be ordered by the Secretary of the Treasury. No

Surrender of
document.

vessel, the surrender of the documents of which has been so ordered, shall, after the effective date of such order, have the status of a vessel of the United States unless documented anew.

Compliance
waiver.

(b) The President may, notwithstanding any other provisions of law, by rules and regulations or orders, waive compliance with any provision of law relating to masters, officers, members of the crew, or crew accommodations on any vessel documented under authority of this section to such extent and upon such terms as he finds necessary because of the lack of physical facilities on such vessels, and because of the need to employ aliens for their operation. No vessel shall cease to enjoy the benefits and privileges of a vessel of the United States by reason of the employment of any person in accordance with the provisions of this subsection.

Coastwise trade.

(c) Any vessel while documented under the provisions of this section, when chartered under this Act by the Secretary of Commerce to Government agencies or departments or to private operators, may engage in the coastwise trade under permits issued by the Secretary of Commerce, who is hereby authorized to issue permits for such purpose pursuant to such rules and regulations as he may prescribe. The Secretary of Commerce is hereby authorized to prescribe such rules and regulations as he may deem necessary or appropriate to carry out the purposes and provisions of this section. The second paragraph of section 9 of the Shipping Act, 1916, as amended, shall not apply with respect to vessels chartered to Government agencies or departments or to private operators or otherwise used or disposed of under this Act. Existing laws covering the inspection of steam vessels are hereby made applicable to vessels documented under this section only to such extent and upon such conditions as may be required by regulations of the Secretary of the department in which the Coast Guard is operating: *Provided*, That in determining to what extent those laws should be made applicable, due consideration shall be given to the primary purpose of transporting commodities essential to the national defense.

39 Stat. 730.
46 USC 808.

Inspection.

Reconditioning
of vessels.
41 USC 5.

(d) The Secretary of Commerce without regard to the provisions of section 3709 of the Revised Statutes may repair, reconstruct, or recondition any vessels to be utilized under this Act. The Secretary of Commerce and any other Government department or agency by which any vessel is acquired or chartered, or to which any vessel is transferred or made available under this Act may, with the aid of any funds available and without regard to the provisions of said section 3709, repair, reconstruct, or recondition any such vessels to meet the needs of the services intended, or provide facilities for such repair, reconstruction, or reconditioning. The Secretary of Commerce may operate or charter for operation any vessel to be utilized under this Act to private operators, citizens of the United States, or to any department or agency of the United States Government, without regard to the provisions of title VII of the Merchant Marine Act, 1936, and any department or agency of the United States Government is authorized to enter into such charters.

49 Stat. 2001.
46 USC 1191-
1204.

Effectivity.

(e) In case of any voyage of a vessel documented under the provisions of this section begun before the date of termination of an effective period of section 1 hereof, but is completed after such date, the provisions of this section shall continue in effect with respect to such vessel until such voyage is completed.

Definitions.

(f) When used in this Act, the term "documented" means "registered", "enrolled and licensed", or "licensed".

Approved August 9, 1954.

Public Law 570

CHAPTER 660

AN ACT

To provide for the independent management of the Export-Import Bank of Washington under a Board of Directors, to provide for the representation of the Bank on the National Advisory Council on International Monetary and Financial Problems and to increase the Bank's lending authority.

August 9, 1954
[S. 3589]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Export-Import Bank Act of 1945, as amended, is hereby further amended to read as follows:

"SEC. 3. (a) The Export-Import Bank of Washington shall constitute an independent agency of the United States and neither the Bank nor any of its functions, powers, or duties shall be transferred to or consolidated with any other department, agency, or corporation of the Government unless the Congress shall otherwise by law provide.

Export-Import
Bank of Washing-
ton.
Management.
59 Stat. 527.
12 USC 635a.

"(b) There shall be a President of the Export-Import Bank of Washington, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, who shall receive a salary at the rate of \$17,500 per annum, and who shall serve as chief executive officer of the Bank. There shall be a First Vice President of the Bank, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, who shall receive a salary at the rate of \$16,000 per annum, who shall serve as President of the Bank during the absence or disability of or in the event of a vacancy in the office of President of the Bank, and who shall at other times perform such functions as the President of the Bank may from time to time prescribe.

President.

First Vice Pres-
ident.

"(c) There shall be a Board of Directors of the Bank consisting of the President of the Export-Import Bank of Washington who shall serve as Chairman, the First Vice President who shall serve as Vice Chairman, and three additional persons appointed by the President of the United States by and with the advice and consent of the Senate. Of the five members of the Board, not more than three shall be members of any one political party. Each director, other than the President of the Export-Import Bank and the Vice President of the Export-Import Bank, shall receive a salary at the rate of \$15,000 per annum. Before entering upon his duties, each of the directors shall take an oath faithfully to discharge the duties of his office. Terms of the directors shall be at the pleasure of the President of the United States, and the directors, in addition to their duties as members of the Board, shall perform such additional duties and may hold such other offices in the administration of the Bank as the President of the Bank may from time to time prescribe. A majority of the Board of Directors shall constitute a quorum. The Board of Directors shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the Bank, and shall, in such bylaws, designate the vice presidents and other officers of the Bank and prescribe their duties.

Board of Di-
rectors.

"(d) There shall be an Advisory Committee of nine members, appointed by the Board of Directors on the recommendation of the President of the Bank, who shall be broadly representative of production, commerce, finance, agriculture and labor. The Advisory Committee shall meet one or more times per year, on the call of the President of the Bank, to advise with the Bank on its program. Members of the Advisory Committee shall be paid a per diem allowance of \$50 for each day spent away from their homes or regular places of business, for the purpose of attendance at meetings of the Committee, and in necessary travel, and while so engaged they may be

Advisory Com-
mittee.

Prohibition.	paid actual travel expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses.
National Advisory Council on International Monetary and Financial Problems. Members.	“(e) No director, officer, attorney, agent, or employee of the Bank shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership or association in which he is directly or indirectly personally interested.”
62 Stat. 141. 22 USC 286b.	SEC. 2. Section 4 (a) of the Bretton Woods Agreements Act, as amended, is hereby further amended by striking out all following “Federal Reserve System,” and inserting in lieu thereof “the President of the Export-Import Bank of Washington, and during such period as the Foreign Operations Administration shall continue to exist, the Director of the Foreign Operations Administration.”
65 Stat. 367. 12 USC 635d.	SEC. 3. The Export-Import Bank Act of 1945, as amended, is hereby further amended as follows:
12 USC 635e.	(a) Section 6 is amended by striking out the words “three and one-half times the authorized capital stock of the Bank” and substituting therefor the figure “\$4,000,000,000”.
Effective date.	(b) Section 7 is amended by striking out the words “four and one-half times the authorized capital stock of the Bank” and substituting therefor the figure “\$5,000,000,000”.
67 Stat. 637. 5 USC 133z-15 note.	SEC. 4. The provisions of this Act for the appointment of a President and a First Vice President of the Bank and the members of the Board of Directors shall be effective upon its enactment. The remaining provisions of this Act shall become effective when the President and First Vice President of the Bank and one other member of the Board of Directors initially appointed hereunder enter upon office, and shall thereupon supersede Reorganization Plan No. 5 of 1953.

Approved August 9, 1954.

Public Law 571

CHAPTER 661

August 9, 1954
[H. R. 6080]

AN ACT

To authorize the appropriation of funds for the construction of certain highway-railroad grade separations in the District of Columbia, and for other purposes.

D. C. highway-railroad grade separations. Construction appropriation. *Post*, p. 807.

Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the fact that the need to bring traffic to and from the Washington-Baltimore Parkway and to handle such traffic requires the construction of certain highway-railroad grade separations, there is hereby authorized to be appropriated to the District of Columbia for credit to the Highway Fund, out of any money in the Treasury not otherwise appropriated, the sum of \$290,000, which shall be in addition to any other amounts authorized, appropriated, accruing, or otherwise made available to the District of Columbia under any other provisions of law, for the construction and maintenance in the District of Columbia of a highway-railroad grade separation structure at the point in the northeast section of the District of Columbia in the vicinity of South Dakota Avenue Northeast, where the proposed extension of New York Avenue as shown on the highway plan of the District of Columbia will cross the right-of-way of the Philadelphia, Baltimore and Washington Railroad. Such sums as are appropriated shall remain available until expended when specifically provided in the appropriation Act.

SEC. 2. Appropriations made to carry out the purposes of this Act shall be available for construction, maintenance, and expenses incident to construction and maintenance, including planning, design, overhead, and supervision.

SEC. 3. Since the construction of New York Avenue extended is to provide connections between the District of Columbia and the Federal highway system, the entire cost of the construction and maintenance of the grade-separation structure referred to in the preceding sections of this Act shall be borne by the District of Columbia, out of funds authorized to be appropriated by this Act and any other funds available to the District, and no contribution to such cost of construction and maintenance shall be required of any railroad whose right-of-way is crossed by such structure, except as provided in section 4 of this Act. The grade-separation structure for which appropriation is hereby authorized shall be designed, constructed, and maintained so as not to interfere with the safe and efficient operation of any railroad whose right-of-way is crossed by the structure.

SEC. 4. When the District of Columbia has acquired, by purchase, condemnation, dedication, gift, or any other means, the right to use as a public thoroughfare the portions of New York Avenue extended adjoining the right-of-way of a railroad company, such railroad company shall dedicate as a public thoroughfare the portion of such street which lies within the right-of-way belonging to such railroad company: *Provided*, That such dedication by the railroad shall not impair or affect the right of the railroad to use for railroad purposes the portion of its right-of-way so dedicated.

Approved August 9, 1954.

Public Law 572

CHAPTER 662

AN ACT

Relating to the renewal of star-route and screen vehicle service contracts.

August 10, 1954
[S. 1244]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the next to last paragraph of section 3951 of the revised statutes, as amended (39 U. S. C. 434) is amended by striking out the words "one year" and inserting in lieu thereof the words "six months".

Approved August 10, 1954.

64 Stat. 260.

Public Law 573

CHAPTER 663

AN ACT

To approve an amendatory repayment contract negotiated with the North Unit irrigation district, to authorize construction of Haystack Reservoir on the Deschutes Federal reclamation project, and for other purposes.

August 10, 1954
[S. 2864]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the contract with the North Unit irrigation district in form substantially similar to that approved by the district directors on July 31, 1953, which has been negotiated by the Secretary of the Interior pursuant to section 7, subsection (a), of the Reclamation Project Act of 1939 (53 Stat. 1187, 1192; 43 U. S. C., 1946 edition, sec. 485), is approved and the Secretary of the Interior is authorized to execute it on behalf of the United States.

North Unit irrigation district.
Repayment contract.

43 USC 485f.

SEC. 2. The Secretary is authorized to construct the Haystack Dam and equalizing reservoir and related works as a feature of the Deschutes Federal reclamation project at a cost not in excess of an amount which, together with other project costs reimbursable and returnable to the United States pursuant to the terms and provisions

Haystack Dam,
etc.
Construction.

of the contract approved by section 1 of this Act, does not exceed the maximum construction charge obligation of the North Unit irrigation district.

Approved August 10, 1954.

Public Law 574

CHAPTER 664

August 10, 1954
[S. 2408]

AN ACT

To amend the Merchant Marine Act, 1936, to provide a national defense reserve of tankers and to promote the construction of new tankers, and for other purposes.

Tankers.
53 Stat. 1183.
46 USC 1160.

Acquisition for
national defense
reserve.

Limitations.

"New vessel."

Payment.

Credit allow-
ance.
60 Stat. 41.
50 USC app. 1735
note.
50 USC app.
1742.

Depreciation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Merchant Marine Act, 1936, as amended, is amended by adding at the end thereof the following new subsection:

"(h) The Secretary of Commerce is authorized until July 1, 1958 (subject to the provisions of this section as herein amended), to acquire a tanker or tankers, determined by him to be desirable for inclusion in the national defense reserve, in exchange for an allowance of credit to be applied upon the purchase price of a new tanker or tankers: *Provided*, That each of the tankers to be traded in (1) is not less than one thousand three hundred and fifty gross tons; (2) is not less than ten years old; (3) is owned by a citizen or citizens of the United States; (4) and preference shall be given to those tankers which have been documented under the laws of the United States for not less than three years immediately preceding; and (5) is in class with respect to hull and machinery satisfactory to the Secretary of Commerce on the date of its physical delivery to the United States and shall be considered an 'obsolete vessel' for purposes of this section: *And provided further*, That only a tanker which is constructed after the date of enactment of this subsection and documented under the laws of the United States shall be considered a 'new vessel' for purposes of this section.

"The Secretary of Commerce is authorized to pay the cost of national defense features incorporated in any such new tanker. In the event that the United States acquires ownership of such new tanker, the price paid therefor shall not include any amount for national defense features paid for by the United States. The foregoing provisions shall run with the title to each new tanker and be binding on all owners thereof.

"The allowance of credit for a traded-in tanker which was sold under the Merchant Ship Sales Act of 1946, as amended, or which was eligible for a price adjustment under section 9 of such Act, shall be: (1) in the case of tankers sold under such Act, the depreciated net sales price paid to the United States, and (2) in the case of tankers which were eligible for price adjustment under such Act, the statutory sales price of such tanker as of March 8, 1946, depreciated: plus the depreciated cost of any additions or betterments to the tanker which were capitalized by the owner and allowed for Federal income tax purposes. Such allowance shall be determined as of the date the owner contracts for the construction of a new tanker. In each case, depreciation shall be computed on the basis of the life of the tanker adopted or accepted by the Internal Revenue Service for determining depreciation for income-tax purposes to the date the owner contracts for the construction of a new tanker.

"The allowance of credit for any other traded-in tanker shall be determined in accordance with the provisions of subsection (d) of this section.

"In no event shall the amount of credit allowed under this subsection or subsection (d) for a traded-in tanker exceed the price paid by the owner for such tanker, plus the cost of any additions or betterments to the tanker capitalized by such owner and allowed for income-tax purposes.

"If an owner uses any tanker traded in pursuant to this section subsequent to the date of the contract for construction of a new tanker, the allowance determined shall be reduced by an amount equal to depreciation for the period of such use and computed in accordance with the schedule adopted or accepted by the Internal Revenue Service. Title to the traded-in tanker shall in all instances vest in the United States, and the allowance of credit shall be applied at the time of physical delivery of such tanker to the United States, which shall be no later than ninety days after delivery of the new tanker. The traded-in tanker shall thereupon be placed in the national defense reserve subject to the provisions of section 11 of the Merchant Ship Sales Act of 1946, as amended."

Approved August 10, 1954.

Restriction.

Title.

50 USC app.
1744.

Public Law 575

CHAPTER 665

AN ACT

To authorize the long term time chartering of tankers and the construction of tankers by the Secretary of the Navy, and for other purposes.

August 10, 1954
[S. 3458]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Navy or such officer as he shall designate is authorized to enter into contracts upon such terms as the Secretary of the Navy shall determine to be in the best interests of the Government for the time charter to the Navy of not to exceed fifteen tankers not now in being for periods of not more than ten years to commence upon tender of the tankers for service after completion of construction. The Secretary of the Navy shall (1) award such contracts on a competitive basis to the lowest responsible bidder, and (2) give preference to operators who are exclusively engaged in the operation of American flag ships.

(b) The hire stipulated with respect to any tanker in any charter party entered into under this section shall not exceed an average rate for the life of the charter party of \$5 per deadweight ton per month: *Provided*, That such average rate will not result in the recovery of more than two-thirds of the construction cost of such tanker.

(c) No contract shall be entered into by the Secretary of the Navy pursuant to the provisions of this section unless the contractor agrees (1) that during the period of such contract he will not transfer to foreign registry any tanker owned by him at the time of entering into such contract, and (2) that the tanker or tankers contracted for shall remain under United States registry during the period in which such tanker or tankers are under charter to the United States.

(d) Any contract entered into pursuant to this section shall grant to the Secretary of the Navy an option to purchase any tanker chartered pursuant to this section at the expiration of such contract at its then depreciated value or fair market value, whichever is less, and shall contain a provision that such option shall not be exercised later than one year prior to the expiration of such contract.

SEC. 2. The President is authorized to undertake the construction of not to exceed five tankers, and there is hereby authorized to be appropriated not to exceed \$37,500,000 for such purpose.

Tankers for
Navy.
Charter.

Hire.

U. S. registry.

Purchase option.

Construction.
Appropriation.

Requirements.

SEC. 3. All tankers constructed pursuant to sections 1 and 2 of this Act shall be approximately twenty-five thousand deadweight tons each, shall have a speed of not less than eighteen knots, and shall be constructed in private shipyards within the continental United States. The construction of the tankers shall be, so far as practicable, of materials and equipment produced or manufactured in the United States. Not more than three tankers authorized by this Act shall be constructed in any one shipyard.

Approved August 10, 1954.

Public Law 576

CHAPTER 666

August 10, 1954
[S. 3683]

AN ACT

To amend the District of Columbia Credit Unions Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the District of Columbia Credit Unions Act is hereby amended by striking out "Comptroller of the Currency" and inserting in lieu thereof "Director of the Bureau of Federal Credit Unions".

D. C. credit unions.
47 Stat. 327.
D. C. Code 26-504.

SEC. 2. Section 6 of such Act is hereby amended to read as follows:

D. C. Code 26-506.
Supervision.
Reports.

"SEC. 6. (a) Credit unions established under this Act shall be under the supervision of the Director of the Bureau of Federal Credit Unions. They shall make such financial reports to him (at least annually) as he may require.

Fees.

"(b) Not later than January 31 of each calendar year each credit union established under this Act shall pay to the Bureau of Federal Credit Unions, for the preceding calendar year, a supervision fee in accordance with the scale prescribed for Federal credit unions. All such fees shall be deposited with the Treasurer of the United States for the account of the Bureau in the special fund created by section 5 of the Federal Credit Union Act and may be expended by the Director for such administrative and other expenses incurred in carrying out the provisions hereof as he may determine to be proper, the purpose of such fees being to defray, as far as practical, the administrative and supervisory costs of the Bureau incident to the execution of its functions under this Act.

D. C. Code 26-505.

"(c) Each credit union established under this Act shall be subject to examination by, and for this purpose shall make its books and records accessible to, any person designated by the Director. The scale of examination fees prescribed for Federal credit unions shall also be applicable to credit unions established under this Act which fees shall be assessed against and paid by each credit union established under this Act promptly after the completion of such examination. Examination fees collected under the provisions of this section shall be deposited to the credit of the special fund created by section 5 of the Federal Credit Union Act, and shall be available for the purposes specified in subsection (b) of this section.

Examination.

Fees.

D. C. Code 26-505.

"(d) It shall be unlawful for any credit union established under this Act to transact business in the District of Columbia without procuring a license from the District of Columbia; and all such credit unions shall pay a license tax of \$5 per annum to the District of Columbia. No license shall be granted for a longer period than one year: *Provided*, That the Commissioners of the District of Columbia may suspend or revoke a license upon proof of the bankruptcy or insolvency of any such credit union or upon conviction of a violation of any provision of this Act or any law or regulation of the District of Columbia or of the United States."

License.

SEC. 3. Section 12 of such Act is hereby amended by striking out "Comptroller of the Currency" and inserting in lieu thereof "Director of the Bureau of Federal Credit Unions".

D. C. Code 26-512.

Approved August 10, 1954.

Public Law 577

CHAPTER 667

AN ACT

August 10, 1954
[S. 2846]

To amend certain provisions of the Securities Act of 1933, as amended, the Securities Exchange Act of 1934, as amended, the Trust Indenture Act of 1939, and the Investment Company Act of 1940.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Securities acts,
etc.
Amendments.

TITLE I—AMENDMENTS TO SECURITIES ACT OF 1933, AS AMENDED

SECTION 1. Paragraph (3) of section 2 of the Securities Act of 1933 is amended to read as follows:

48 Stat. 74.
15 USC 77b.

"(3) The term 'sale' or 'sell' shall include every contract of sale or disposition of a security or interest in a security, for value. The term 'offer to sell', 'offer for sale', or 'offer' shall include every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value. The terms defined in this paragraph and the term 'offer to buy' as used in subsection (c) of section 5 shall not include preliminary negotiations or agreements between an issuer (or any person directly or indirectly controlling or controlled by an issuer, or under direct or indirect common control with an issuer) and any underwriter or among underwriters who are or are to be in privity of contract with an issuer (or any person directly or indirectly controlling or controlled by an issuer, or under direct or indirect common control with an issuer). Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been offered and sold for value. The issue or transfer of a right or privilege, when originally issued or transferred with a security, giving the holder of such security the right to convert such security into another security of the same issuer or of another person, or giving a right to subscribe to another security of the same issuer or of another person, which right cannot be exercised until some future date, shall not be deemed to be an offer or sale of such other security; but the issue or transfer of such other security upon the exercise of such right of conversion or subscription shall be deemed a sale of such other security."

"Sale", etc.

Post, p. 685.

SEC. 2. Paragraph (8) of section 2 of the Securities Act of 1933 is amended to read as follows:

15 USC 77b.

"(8) The term 'registration statement' means the statement provided for in section 6, and includes any amendment thereto and any report, document, or memorandum filed as part of such statement or incorporated therein by reference."

"Registration statement,"
15 USC 77f.

SEC. 3. Paragraph (10) of section 2 of the Securities Act of 1933, as amended, is amended to read as follows:

15 USC 77b.

"(10) The term 'prospectus' means any prospectus, notice, circular, advertisement, letter, or communication, written or by radio or television, which offers any security for sale or confirms the sale of any security; except that (a) a communication sent or given after the effective date of the registration statement (other than a prospectus

"Prospectus."

Post, p. 685.

permitted under subsection (b) of section 10) shall not be deemed a prospectus if it is proved that prior to or at the same time with such communication a written prospectus meeting the requirements of subsection (a) of section 10 at the time of such communication was sent or given to the person to whom the communication was made, and (b) a notice, circular, advertisement, letter, or communication in respect of a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of section 10 may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Commission, by rules or regulations deemed necessary or appropriate in the public interest and for the protection of investors, and subject to such terms and conditions as may be prescribed therein, may permit."

15 USC 77b.

SEC. 4. Paragraph (11) of section 2 of the Securities Act of 1933 is amended by inserting the words "offers or" before the word "sells".

48 Stat. 906.
15 USC 77c.

SEC. 5. Paragraph (11) of section 3 (a) of the Securities Act of 1933, as amended, is amended by inserting the words "offered and" before the word "sold".

48 Stat. 906.
15 USC 77d.

SEC. 6. Section 4 (1) of the Securities Act of 1933, as amended, is amended to read as follows:

Exemptions.

"(1) Transactions by any person other than an issuer, underwriter, or dealer; transactions by an issuer not involving any public offering; or transactions by a dealer (including an underwriter no longer acting as an underwriter in respect of the security involved in such transaction), except transactions taking place prior to the expiration of forty days after the first date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter and transactions in a security as to which a registration statement has been filed taking place prior to the expiration of forty days after the effective date of such registration statement or prior to the expiration of forty days after the first date upon which the security was bona fide offered to the public by the issuer or by or through an underwriter after such effective date, whichever is later (excluding in the computation of such forty days any time during which a stop order issued under section 8 is in effect as to the security), and except transactions as to securities constituting the whole or a part of an unsold allotment to or subscription by such dealer as a participant in the distribution of such securities by the issuer or by or through an underwriter."

15 USC 77h.

15 USC 77e.

SEC. 7. Section 5 of the Securities Act of 1933 is amended to read as follows:

"PROHIBITIONS RELATING TO INTERSTATE COMMERCE AND THE MAILS

"SEC. 5. (a) Unless a registration statement is in effect as to a security, it shall be unlawful for any person, directly or indirectly—

"(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise; or

"(2) to carry or cause to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale.

"(b) It shall be unlawful for any person, directly or indirectly—

"(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to carry or transmit any prospectus relating to any security with

respect to which a registration statement has been filed under this title, unless such prospectus meets the requirements of section 10; or

Intra.

“(2) to carry or cause to be carried through the mails or in interstate commerce any such security for the purpose of sale or for delivery after sale, unless accompanied or preceded by a prospectus that meets the requirements of subsection (a) of section 10.

“(c) It shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under section 8.”

15 USC 77h.

15 USC 77j.

SEC. 8. Section 10 of the Securities Act of 1933, as amended, is amended to read as follows:

“INFORMATION REQUIRED IN PROSPECTUS

“SEC. 10. (a) Except to the extent otherwise permitted or required pursuant to this subsection or subsections (c), (d), or (e)—

“(1) a prospectus relating to a security other than a security issued by a foreign government or political subdivision thereof, shall contain the information contained in the registration statement, but it need not include the documents referred to in paragraphs (28) to (32), inclusive, of schedule A;

“(2) a prospectus relating to a security issued by a foreign government or political subdivision thereof shall contain the information contained in the registration statement, but it need not include the documents referred to in paragraphs (13) and (14) of schedule B;

“(3) notwithstanding the provisions of paragraphs (1) and (2) of this subsection (a) when a prospectus is used more than nine months after the effective date of the registration statement, the information contained therein shall be as of a date not more than sixteen months prior to such use, so far as such information is known to the user of such prospectus or can be furnished by such user without unreasonable effort or expense;

“(4) there may be omitted from any prospectus any of the information required under this subsection (a) which the Commission may by rules or regulations designate as not being necessary or appropriate in the public interest or for the protection of investors.

“(b) In addition to the prospectus permitted or required in subsection (a), the Commission shall by rules or regulations deemed necessary or appropriate in the public interest or for the protection of investors permit the use of a prospectus for the purposes of subsection (b) (1) of section 5 which omits in part or summarizes information in the prospectus specified in subsection (a). A prospectus permitted under this subsection shall, except to the extent the Commission by rules or regulations deemed necessary or appropriate in the public interest or for the protection of investors otherwise provides, be filed as part of the registration statement but shall not be deemed a part of such registration statement for the purposes of section 11. The Commission may at any time issue an order preventing or suspending the use of a prospectus permitted under this subsection (b), if it has reason to believe that such prospectus has not been filed (if required to

Ante, p. 684.

15 USC 77k.

be filed as part of the registration statement) or includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which such prospectus is or is to be used, not misleading. Upon issuance of an order under this subsection, the Commission shall give notice of the issuance of such order and opportunity for hearing by personal service or the sending of confirmed telegraphic notice. The Commission shall vacate or modify the order at any time for good cause or if such prospectus has been filed or amended in accordance with such order.

“(c) Any prospectus shall contain such other information as the Commission may by rules or regulations require as being necessary or appropriate in the public interest or for the protection of investors.

“(d) In the exercise of its powers under subsections (a), (b), or (c), the Commission shall have authority to classify prospectuses according to the nature and circumstances of their use or the nature of the security, issue, issuer, or otherwise, and, by rules and regulations and subject to such terms and conditions as it shall specify therein, to prescribe as to each class the form and contents which it may find appropriate and consistent with the public interest and the protection of investors.

“(e) The statements or information required to be included in a prospectus by or under authority of subsections (a), (b), (c), or (d), when written, shall be placed in a conspicuous part of the prospectus and, except as otherwise permitted by rules or regulations, in type as large as that used generally in the body of the prospectus.

“(f) In any case where a prospectus consists of a radio or television broadcast, copies thereof shall be filed with the Commission under such rules and regulations as it shall prescribe. The Commission may by rules and regulations require the filing with it of forms and prospectuses used in connection with the offer or sale of securities registered under this title.”

15 USC 771.

SEC. 9. Section 12 of the Securities Act of 1933 is amended by inserting the words “offers or” before the word “sells” in clauses (1) and (2) thereof.

15 USC 77g.

SEC. 10. Section 17 (a) of the Securities Act of 1933 is amended by inserting the words “offer or” before the word “sale” in the introductory clause thereof.

15 USC 77v.

SEC. 11. Section 22 (a) of the Securities Act of 1933 is amended by inserting the words “offer or” before the word “sale” in the second sentence thereof.

TITLE II—AMENDMENTS TO SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

48 Stat. 891.
15 USC 78k.

SEC. 201. Subsection (d) of section 11 of the Securities Exchange Act of 1934 is amended by striking out the words “six months” where they appear in such paragraph and inserting in lieu thereof the words “thirty days”.

15 USC 781.

SEC. 202. The last sentence of subsection (d) of section 12 of the Securities Exchange Act of 1934 is hereby repealed.

TITLE III—AMENDMENTS TO TRUST INDENTURE ACT OF 1939

53 Stat. 1151.
15 USC 77ccc.

SEC. 301. (a) Paragraph (1) of section 303 of the Trust Indenture Act of 1939 is amended by deleting the following: “as heretofore amended.”

(b) Paragraph (2) of section 303 of the Trust Indenture Act of 1939 is amended to read as follows:

"(2) The terms 'sale', 'sell', 'offer to sell', 'offer for sale', and 'offer' shall include all transactions included in such terms as provided in paragraph (3) of section 2 of the Securities Act of 1933, except that an offer or sale of a certificate of interest or participation shall be deemed an offer or sale of the security or securities in which such certificate evidences an interest or participation if and only if such certificate gives the holder thereof the right to convert the same into such security or securities."

"Sale", etc.

Ante, p. 683.

(c) Paragraph (3) of section 303 of the Trust Indenture Act of 1939 is amended to read as follows:

15 USC 77ccc.

"(3) The term 'prospectus' shall have the meaning assigned to such term in paragraph (10) of section 2 of the Securities Act of 1933, except that in the case of securities which are not registered under the Securities Act of 1933, such term shall not include any communication (A) if it is proved that prior to or at the same time with such communication a written statement if any required by section 306 was sent or given to the persons to whom the communication was made, or (B) if such communication states from whom such statement may be obtained (if such statement is required by rules or regulations under paragraphs (1) or (2) of subsection (b) of section 306) and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed and contain such other information as the Commission, by rules or regulations deemed necessary or appropriate in the public interest or for the protection of investors, and subject to such terms and conditions as may be prescribed therein, may permit."

"Prospectus,"
Ante, p. 683.

15 USC 77a.

Post, p. 688.

(d) Paragraph (4) of section 303 of the Trust Indenture Act of 1939 is amended by inserting the words "offers or" before the word "sells".

15 USC 77ccc.

SEC. 302. Subsection (b) of section 304 of the Trust Indenture Act of 1939 is amended by deleting the following: "as heretofore amended."

15 USC 77ddd.

SEC. 303. Subsection (c) of section 305 of the Trust Indenture Act of 1939 is amended to read as follows:

15 USC 77eee.

"(c) A prospectus relating to any such security shall include to the extent the Commission may prescribe by rules and regulations as necessary and appropriate in the public interest or for the protection of investors, as though such inclusion were required by section 10 of the Securities Act of 1933, a written statement containing the analysis set forth in the registration statement, of any indenture provisions with respect to the matters specified in paragraph (2) of subsection (a) of this section, together with a supplementary analysis, prepared by the Commission, of such provisions and of the effect thereof, if, in the opinion of the Commission, the inclusion of such supplementary analysis is necessary or appropriate in the public interest or for the protection of investors, and the Commission so declares by order after notice and, if demanded by the issuer, opportunity for hearing thereon. Such order shall be entered prior to the effective date of registration, except that if opportunity for hearing thereon is demanded by the issuer such order shall be entered within a reasonable time after such opportunity for hearing."

Ante, p. 685.

SEC. 304. Section 306 of the Trust Indenture Act of 1939 is amended to read as follows:

15 USC 77fff.

“SECURITIES NOT REGISTERED UNDER SECURITIES ACT

15 USC 77a.
15 USC 77ddd.

“SEC. 306. (a) In the case of any security which is not registered under the Securities Act of 1933 and to which this subsection is applicable notwithstanding the provisions of section 304, unless such security has been or is to be issued under an indenture and an application for qualification is effective as to such indenture, it shall be unlawful for any person, directly or indirectly—

“(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise; or

“(2) to carry or cause to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale.

15 USC 77a.

“(b) In the case of any security which is not registered under the Securities Act of 1933, but which has been or is to be issued under an indenture as to which an application for qualification is effective, it shall be unlawful for any person, directly or indirectly—

“(1) to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to carry or transmit any prospectus relating to any such security, unless such prospectus, to the extent the Commission may prescribe by rules and regulations as necessary and appropriate in the public interest or for the protection of investors, includes or is accompanied by a written statement that contains the information specified in subsection (c) of section 305; or

Ante, p. 687.

“(2) to carry or to cause to be carried through the mails or in interstate commerce any such security for the purpose of sale or for delivery after sale, unless, to the extent the Commission may prescribe by rules and regulations as necessary or appropriate in the public interest or for the protection of investors, accompanied or preceded by a written statement that contains the information specified in subsection (c) of section 305.

Ante, p. 687.

15 USC 77a.
15 USC 77ddd.

“(c) It shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell through the use or medium of any prospectus or otherwise any security which is not registered under the Securities Act of 1933 and to which this subsection is applicable notwithstanding the provisions of section 304, unless such security has been or is to be issued under an indenture and an application for qualification has been filed as to such indenture, or while the application is the subject of a refusal order or stop order or (prior to qualification) any public proceeding or examination under section 307 (c).”

15 USC 77ggg(c).
15 USC 77xxx.

SEC. 305. Section 324 of the Trust Indenture Act of 1939 is amended by deleting the words “issuing or selling” and inserting in lieu thereof the words “offering, selling, or issuing”.

TITLE IV—AMENDMENTS TO INVESTMENT COMPANY ACT OF 1940

54 Stat. 790.
15 USC 80a-2.

SEC. 401. Section 2 (a) (30) of the Investment Company Act of 1940 is amended to read as follows:

“(30) ‘Prospectus’, as used in section 22, means a written prospectus intended to meet the requirements of section 10 (a) of the Securities Act of 1933 and currently in use. As used elsewhere, ‘prospectus’ means a prospectus as defined in the Securities Act of 1933.”

Ante, p. 685.

Ante, p. 683.

SEC. 402. Subsection (d) of section 24 of the Investment Company Act of 1940 is amended by adding the following at the end thereof: “The exemption provided by the third clause of section 4 (1) of the Securities Act of 1933, as amended, shall not apply to any transaction in a security issued by a face-amount certificate company or in a redeemable security issued by an open-end management company or unit investment trust, if any other security of the same class is currently being offered or sold by the issuer or by or through an underwriter in a distribution which is not exempted from section 5 of said Act, except to such extent and subject to such terms and conditions as the Commission, having due regard for the public interest and the protection of investors, may prescribe by rules or regulations with respect to any class of persons, securities, or transactions.”

54 Stat. 825.
15 USC 80a-24.

Ante, p. 684.

Ante, p. 684.

SEC. 403. Section 24 of the Investment Company Act of 1940 is amended by adding at the end thereof a new subsection (e) as follows:

15 USC 80a-24.

“(e) (1) A registration statement under the Securities Act of 1933 relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust may be amended after its effective date so as to increase the securities specified therein as proposed to be offered. At the time of filing such amendment there shall be paid to the Commission a fee, calculated in the manner specified in section 6 (b) of said Act, with respect to the additional securities therein proposed to be offered.

15 USC 77b.

“(2) The filing of such an amendment to a registration statement under the Securities Act of 1933 shall not be deemed to have taken place unless it is accompanied by a United States postal money order or a certified bank check or cash for the amount of the fee required under paragraph (1) of this subsection.

15 USC 77f.

“(3) For the purposes of section 11 of the Securities Act of 1933, as amended, the effective date of the latest amendment filed pursuant to this subsection or otherwise shall be deemed the effective date of the registration statement with respect to securities sold after such amendment shall have become effective. For the purposes of section 13 of the Securities Act of 1933, as amended, no such security shall be deemed to have been bona fide offered to the public prior to the effective date of the latest amendment filed pursuant to this subsection. Except to the extent the Commission otherwise provides by rules or regulations as appropriate in the public interest or for the protection of investors, no prospectus relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust which varies for the purposes of subsection (a) (3) of section 10 of the Securities Act of 1933 from the latest prospectus filed as a part of the registration statement shall be deemed to meet the requirements of said section 10 unless filed as part of an amendment to the registration statement under said Act and such amendment has become effective.”

15 USC 77k.

15 USC 77m.

Ante, p. 685.

TITLE V—EFFECTIVE DATE

SEC. 501. This Act shall take effect sixty days after the date of its enactment.

Approved August 10, 1954.

Public Law 578

CHAPTER 668

August 10, 1954
[S. 3699]

AN ACT

Granting the consent of Congress to a compact entered into by the States of Louisiana and Texas and relating to the waters of the Sabine River.

Sabine River
Compact.
Consent of Con-
gress.

65 Stat. 736.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress is hereby given to the interstate compact relating to the waters of the Sabine River and its tributaries authorized by the Act of November 1, 1951 (Public Law Numbered 252, Eighty-second Congress, first session), which was signed by the representatives for the States of Louisiana and Texas and approved by the representative of the United States, at Logansport, Louisiana, on January 26, 1953, and thereafter ratified and approved by the Legislatures of the States of Louisiana and Texas, which compact reads as follows:

SABINE RIVER COMPACT

The State of Texas and the State of Louisiana, parties signatory to this Compact (hereinafter referred to as "Texas" and "Louisiana", respectively, or individually as a "State", or collectively as the "States"), having resolved to conclude a compact with respect to the waters of the Sabine River, and having appointed representatives as follows:

For Texas: HENRY L. WOODWORTH, Interstate Compact Commissioner for Texas; and JOHN W. SIMMONS, President of the Sabine River Authority of Texas;

For Louisiana: ROY T. SESSUMS, Director of the Department of Public Works of the State of Louisiana;

65 Stat. 736.

and consent to negotiate and enter into the said Compact having been granted by Act of Congress of the United States approved November 1, 1951 (Public Law No. 252; 82nd Congress, First Session), and pursuant thereto the President having designated Louis W. Prentiss as the representative of the United States, the said representatives for Texas and Louisiana, after negotiations participated in by the representative of the United States, have for such Compact agreed upon Articles as hereinafter set forth. The major purposes of this Compact are to provide for an equitable apportionment between the States of Louisiana and Texas of the waters of the Sabine River and its tributaries, thereby removing the causes of present and future controversy between the States over the conservation and utilization of said waters; to encourage the development, conservation and utilization of the water resources of the Sabine River and its tributaries; and to establish a basis for cooperative planning and action by the States for the construction, operation and maintenance of projects for water conservation and utilization purposes on that reach of the Sabine River touching both States, and for apportionment of the benefits therefrom.

It is recognized that pollution abatement and salt water intrusion are problems which are of concern to the States of Louisiana and Texas, but inasmuch as this Compact is limited to the equitable apportionment of the waters of the Sabine River and its tributaries between the States of Louisiana and Texas, this Compact does not undertake the solution of those problems.

ARTICLE I

As used in this Compact:

(a) The word "Stateline" means the point of the Sabine River where its waters in downstream flow first touch the States of both Louisiana and Texas.

(b) The term "waters of the Sabine River" means the waters either originating in the natural drainage basin of the Sabine River, or appearing as streamflow in said River and its tributaries, from its headwater source down to the mouth of the River where it enters into Sabine Lake.

(c) The term "Stateline flow" means the flow of waters of the Sabine River as determined by the Logansport gauge located on the U. S. Highway 84, approximately four (4) river miles downstream from the Stateline. This flow, or the flow as determined by such substitute gauging station as may be established by the Administration, as hereinafter defined, pursuant to the provisions of Article VII of this Compact, shall be deemed the actual Stateline flow.

(d) The term "Stateline reach" means that portion of the Sabine River lying between the Stateline and Sabine Lake.

(e) The term "the Administration" means the Sabine River Compact Administration established under Article VII.

(f) The term "Domestic use" means the use of water by an individual, or by a family unit or household for drinking, cooking, laundering, sanitation, and other personal comforts and necessities; and for the irrigation of an area not to exceed one acre, obtained directly from the Sabine River or its tributaries by an individual or family unit, not supplied by a water company, water district or municipality.

(g) The term "stock water use" means the use of water for any and all livestock and poultry.

(h) The term "consumptive use" means use of water resulting in its permanent removal from the stream.

(i) The terms "domestic" and "stock water" reservoir" mean any reservoir for either or both of such uses having a storage capacity of fifty (50) acre feet or less.

(j) "Stored water" means water stored in reservoirs (exclusive of domestic or stock water reservoirs) or water withdrawn or released from reservoirs for specific uses and the identifiable return flow from such uses.

(k) The term "free water" means all waters other than "stored waters" in the Stateline reach including, but not limited to, that appearing as natural stream flow and not withdrawn or released from a reservoir for specific uses. Waters released from reservoirs for the purpose of maintaining stream flows as provided in Article V, shall be "free water". All reservoir spills or releases of stored waters made in anticipation of spills, shall be free water.

(l) Where the name of the State or the term "State" is used in this Compact, it shall be construed to include any person or entity of any nature whatsoever of the States of Louisiana or Texas using, claiming, or in any manner asserting any right to the use of the waters of the Sabine River under the authority of that State.

(m) Wherever any State or Federal official or agency is referred to in this Compact, such reference shall apply equally to the comparable official or agency succeeding to their duties and functions.

ARTICLE II

Subject to the provisions of Article X, nothing in this Compact shall be construed as applying to, or interfering with, the right or power of either signatory State to regulate within its boundaries the appropriation, use and control of water, not inconsistent with its obligations under this Compact.

ARTICLE III

Subject to the provisions of Article X, all rights to any of the waters of the Sabine River which have been obtained in accordance with the laws of the States are hereby recognized and affirmed; provided, however, that withdrawals, from time to time, for the satisfaction of such rights, shall be subject to the availability of supply in accordance with the apportionment of water provided under the terms of this Compact.

ARTICLE IV

Texas shall have free and unrestricted use of all waters of the Sabine River and its tributaries above the Stateline subject, however, to the provisions of Article V and X.

ARTICLE V

Texas and Louisiana hereby agree upon the following apportionment of the waters of the Sabine River:

(a) All free water in the Stateline reach shall be divided equally between the two States, this division to be made without reference to the origin.

(b) The necessity of maintaining a minimum flow at the Stateline for the benefit of water users below the Stateline in both States is recognized, and to this end it is hereby agreed that:

(1) Reservoirs and permits above the Stateline existing as of January 1, 1953 shall not be liable for maintenance of the flow at the Stateline.

(2) After January 1, 1953, neither State shall permit or authorize any additional users which would have the effect of reducing the flow at the Stateline to less than 36 cubic feet per second.

(3) Reservoirs on which construction is commenced after January 1, 1953, above the Stateline shall be liable for their share of water necessary to provide a minimum flow at the Stateline of 36 cubic feet per second; provided, that no reservoir shall be liable for a greater percentage of this minimum flow than the percentage of the drainage area above the Stateline contributing to that reservoir, exclusive of the watershed of any reservoir on which construction was started prior to January 1, 1953. Water released from Texas' reservoirs to establish the minimum flow of 36 cubic feet per second, shall be classed as free water at the Stateline and divided equally between the two States.

(c) The right of each State to construct impoundment reservoirs and other works of improvement on the Sabine River or its tributaries located wholly within its boundaries is hereby recognized.

(d) In the event that either State constructs reservoir storage on the tributaries below Stateline after January 1, 1953, there shall be deducted from that State's share of the flow in the Sabine River all reductions in flow resulting from the operation of the tributary storage and conversely such State shall be entitled to the increased flow resulting from the regulation provided by such storage.

(e) Each State shall have the right to use the main channel of the Sabine River to convey water stored on the Sabine River or its tributaries located wholly within its boundaries, downstream to a desired point of removal without loss of ownership of such stored waters. In the event that such water is released by a State through the natural channel of a tributary and the channel of the Sabine River to a downstream point of removal, a reduction shall be made in the amount of water which can be withdrawn at the point of removal equal to the transmission losses.

(f) Each State shall have the right to withdraw its share of the water from the channel of the Sabine River in the Stateline reach in accordance with Article VII. Neither State shall withdraw at any point more than its share of the flow at that point except, that pursuant to findings and determination of the Administration as provided under Article VII of this compact, either State may withdraw more or less of its share of the water at any point providing that its aggregate withdrawal shall not exceed its total share. Withdrawals made pursuant to this paragraph shall not prejudice or impair the existing rights of users of Sabine River waters.

(g) Waters stored in reservoirs constructed by the States in the Stateline reach shall be shared by each State in proportion to its contribution to the cost of storage. Neither State shall have the right to construct a dam on the Stateline reach without the consent of the other State.

(h) Each State may vary the rate and manner of withdrawal of its share of such jointly stored waters on the Stateline reach, subject to meeting the obligations for amortization of the cost of the joint storage. In any event, neither State shall withdraw more than its pro-rata share in any one year (a year meaning a water year, October 1st to September 30th) except by authority of the Administration. All jointly stored water remaining at the end of a water year shall be reapportioned between the States in the same proportion as their contribution to the cost of the storage.

(i) Except for jointly stored water, as provided in (h) above, each State must use its apportionment of the natural stream flows as they occur and there shall be no allowance of accumulation of credits or debits for or against either State. The failure of either State to use the stream flow or any part thereof, the use of which is apportioned to it under the terms of this Compact, shall not constitute a relinquishment of the right to such use in the future; conversely, the failure of either State to use the water at the time it is available does not give it the right to the flow in excess of its share of the flow at any other time.

(j) From the apportionment of waters of the Sabine River as defined in this Article, there shall be excluded from such apportionment all waters consumed in either State for domestic and stock water uses. Domestic and stock water reservoirs shall be so excluded.

(k) Each State may use its share of the water apportioned to it in any manner that may be deemed beneficial by that State.

ARTICLE VI

(a) The States through their respective appropriate agencies or subdivisions may construct jointly, or cooperate with any agency or instrumentality of the United States in the construction of works on the Stateline reach for the development, conservation and utilization for all beneficial purposes of the waters of the Sabine River.

(b) All monetary revenues growing out of any joint State ownership, title and interest in works constructed under Section (a) above, and accruing to the States in respect thereof, shall be divided between the States in proportion to their respective contributions to the cost of construction; provided, however, that each State shall retain undivided all its revenues from recreational facilities within its boundaries incidental to the use of the waters of the Sabine River, and from its severally State-owned recreational facilities constructed appurtenant thereto.

(c) All operation and maintenance costs chargeable against any joint State ownership, title and interest in works constructed under Section (a) above, shall be assessed in proportion to the contribution of each State to the original cost of construction.

ARTICLE VII

(a) There is hereby created an interstate administrative agency to be designated as the "Sabine River Compact Administration" herein referred to as "the Administration".

(b) The Administration shall consist of two members from each State and of one member as representative of the United States, chosen by the President of the United States, who is hereby requested to appoint such a representative. The United States member shall be ex-officio chairman of the Administration without vote and shall not be a domiciliary of or reside in either State. The appointed members for Texas and Louisiana shall be designated within thirty days after the effective date of this Compact.

(c) The Texas members shall be appointed by the Governor for a term of two years; provided, that one of the original Texas members shall be appointed for a term to establish a half-term interval between the expiration dates of the terms of such members, and thereafter one such member shall be appointed annually for the regular term. One of the Louisiana members shall be ex-officio the Director of the Louisiana Department of Public Works; the other Louisiana member shall be a resident of the Sabine Watershed and shall be appointed by the Governor of Louisiana for a term of four years; provided, that the first member so appointed shall serve until June 30, 1958. Each State member shall hold office subject to the laws of his State or until his successor has been duly appointed and qualified.

(d) Interim vacancy, for whatever cause, in the office of any member of the Administration shall be filled for the unexpired term in the same manner as hereinabove provided for regular appointment.

(e) Within sixty days after the effective date of this Compact, the Administration shall meet and organize. A quorum for any meeting shall consist of three voting members of the Administration. Each State member shall have one vote, and every decision, authorization, determination, order or other action shall require the concurring votes of at least three members.

(f) The Administration shall have power to:

(1) Adopt, amend and revoke bylaws, rules and regulations, and prescribe procedures for administration of and consistent with the provisions of this Compact.

(2) Fix and determine from time to time the location of the Administration's principal office;

(3) Employ such engineering, legal, clerical and other personnel, without regard to the civil service laws of either State, as the Administration may determine necessary or proper to supplement State-furnished assistance as hereinafter provided, for the performance of its functions under this Compact; provided, that such employee

shall be paid by and be responsible to the Administration and shall not be considered to be employees of either State;

(4) Procure such equipment, supplies and technical assistance as the Administration may determine to be necessary or proper to supplement State-furnished assistance as hereinafter provided, for the performance of its functions under this Compact;

(5) Adopt a seal which shall be judicially recognized.

(g) In cooperation with the chief official administering water rights in each State and with appropriate Federal agencies, the Administration shall have and perform powers and duties as follows:

(1) To collect, analyze, correlate, compile and report on data as to water supplies, stream flows, storage, diversions, salvage and use of the waters of the Sabine River and its tributaries, and as to all factual data necessary or proper for the administration of this Compact;

(2) To designate as official stations for the administration of this Compact such existing water gauging stations (and to operate, maintain, repair and abandon the same), and to locate, establish, construct, operate, maintain, repair and abandon additional such stations, as the Administration may from time to time find and determine necessary or appropriate;

(3) To make findings as to the deliveries of water at Stateline, as hereinabove provided, from the stream-flow records of the Stateline gauge which shall be operated and maintained by the Administration or in cooperation with the appropriate Federal Agency, for determination of the actual Stateline flow unless the Administration shall find and determine that, because of changed physical conditions or for any other reason, reliable records are not obtainable thereat: in which case such existing Stateline station may with the approval of the Administration be abandoned and, with such approval, a substitute Stateline station established in lieu thereof;

(4) To make findings as to the quantities of reservoir storage (including joint storage) and releases therefrom, diversions, transmission losses and as to incident stream-flow changes, and as to the share of such quantities chargeable against or allocable to the respective States;

(5) To record and approve all points of diversion at which water is to be removed from the Sabine River or its tributaries below the Stateline; provided that, in any case, the State agency charged with the administration of the water laws for the State in which such point of diversion is located shall first have approved such point for removal or diversion; provided further that any such point of removal or diversion once jointly approved by the appropriate State agency and the Administration, shall not thereafter be changed without the joint amendatory approval of such State agency and the Administration;

(6) To require water users at their expense to install and maintain measuring devices of approved type in any ditch, pumping station or other water diversion works on the Sabine River or its tributaries below the Stateline, as the Administration may determine necessary or proper for the purposes of this Compact; provided that the chief official of each State charged with the administration of water rights therein shall supervise the execution and enforcement of the Administration's requirements for such measuring devices;

(7) To investigate any violations of this Compact and to report findings and recommendations thereon to the chief official of the affected State charged with the administration of water rights, or to the Governor of such State as the Administration may deem proper;

(8) To acquire, hold, occupy and utilize such personal and real property as may be necessary or proper for the performance of its duties and functions under this Compact;

(9) To perform all functions required of the Administration by this Compact, and to do all things necessary, proper or convenient in the performance of its duties hereunder.

(h) Each State shall provide such available facilities, supplies, equipment, technical information and other assistance as the Administration may require to carry out its duties and function, and the execution and enforcement of the Administration's orders shall be the responsibility of the agents and officials of the respective States charged with the administration of water rights therein. State officials shall furnish pertinent factual and technical data to the Administration upon request.

(i) Findings of fact made by the Administration shall not be conclusive in any court or before any agency or tribunal but shall constitute prima facie evidence of such facts.

(j) In the case of a tie vote on any of the Administration's determinations, orders, or other actions subject to arbitration, then arbitration shall be a condition precedent to any right of legal action. Either side of a tie vote may, upon request, submit the question to arbitration. If there shall be arbitration, there shall be three arbitrators: one named in writing by each side, and the third chosen by the two arbitrators so elected. If the arbitrators fail to select a third within ten days, then he shall be chosen by the Representative of the United States.

(k) The salaries, if any, and the personal expenses of each member of the Administration, shall be paid by the Government which he represents. All other expenses incident to the Administration of this Compact and which are not paid by the United States shall be borne equally by the States. Ninety days prior to the Regular Session of the Legislature of either State, the administration shall adopt and transmit to the Governor of such State for his approval, its budget covering anticipated expenses for the forthcoming biennium and the amount thereof payable by such State. Upon approval by its Governor, each State shall appropriate and pay the amount due by it to the Administration. The Administration shall keep an accurate account of all receipts and disbursements and shall include a statement thereof, together with a certificate of audit by a certified public accountant, in its annual report. Each State shall have the right to make an examination and audit of the accounts of the Administration at any time.

(l) The Administration shall, whenever requested, provide access to its records by the Governor of either State or by the chief official of either State charged therein with the administration of water rights. The Administration shall annually on or before January 15th of each year make and transmit to the Governors of the signatory States, and to the President of the United States, a report of the Administration's activities and deliberations for the preceding year.

ARTICLE VIII

(a) This Compact shall become effective when ratified by the Legislature and approved by the Governors of both States and when approved by the Congress of the United States.

(b) The provisions of this Compact shall remain in full force and effect until modified, altered or amended in the same manner as hereinabove required for ratification thereof. The right so to modify, alter or amend this Compact is expressly reserved. This Compact may be terminated at any time by mutual consent of the signatory

States. In the event this Compact is terminated as herein provided, all rights then vested hereunder shall continue unimpaired.

(c) Should a court of competent jurisdiction hold any part of this Compact to be contrary to the constitution of any signatory State or of the United States of America, all other severable provisions of this Compact shall continue in full force and effect.

ARTICLE IX

This Compact is made and entered into for the sole purpose of effecting an equitable apportionment and providing beneficial uses of the waters of the Sabine River, its tributaries and its watershed, without regard to the boundary between Louisiana and Texas, and nothing herein contained shall be construed as an admission on the part of either State or any agency, commission, department or subdivision thereof, respecting the location of said boundary; and neither this Compact nor any data compiled for the preparation or administration thereof shall be offered, admitted or considered in evidence, in any dispute, controversy or litigation bearing upon the matter of the location of said boundary.

The term "Stateline" as defined in this Compact shall not be construed to define the actual boundary between the State of Texas and the State of Louisiana.

ARTICLE X

Nothing in this Compact shall be construed as affecting, in any manner, any present or future rights or powers of the United States, its agencies, or instrumentalities in, to and over the waters of the Sabine River Basin.

IN WITNESS WHEREOF, the Representatives have executed this Compact in three counterparts hereof, each of which shall be and constitute an original, one of which shall be forwarded to the Administrator, General Services Administration of the United States of America and one of which shall be forwarded to the Governor of each State.

DONE in the City of Logansport, in the State of Louisiana, this 26th day of January, 1953.

Henry L. Woodworth
HENRY L. WOODWORTH,
Representative for the State of Texas.

John W. Simmons
JOHN W. SIMMONS,
Representative for the State of Texas.

Roy T. Sessums
ROY T. SESSUMS,
Representative for the State of Louisiana.

APPROVED:

Louis W. Prentiss
LOUIS W. PRENTISS,
Representative of the United States.

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved. This reservation shall not be construed to prevent the vesting of rights to the use of water pursuant to applicable law, and no alteration, amendment, or repeal of this Act shall be held to affect rights so vested.

Reservation of
rights.

Approved August 10, 1954.

Public Law 579

CHAPTER 669

AN ACT

August 12, 1954
[S. 3713]

To give effect to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo, May 9, 1952, and for other purposes.

North Pacific
Fisheries Act of
1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "North Pacific Fisheries Act of 1954".

Definitions.

SEC. 2. As used in this Act, the term—

TIAS 2786.

(a) "Convention" means the International Convention for the High Seas Fisheries of the North Pacific Ocean with a protocol relating thereto signed at Tokyo, May 9, 1952;

(b) "Commission" means the International North Pacific Fisheries Commission provided for by article II of the Convention;

(c) "United States Section" means the United States Commissioners to the Commission;

(d) "Convention area" means all waters, other than territorial waters, of the North Pacific Ocean which for the purposes of this Act shall include the adjacent seas;

(e) "Fishing vessel" means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

U. S. Commis-
sioners.

SEC. 3. The United States shall be represented on the Commission by not more than four Commissioners to be appointed by the President, to serve as such during his pleasure, and to receive no compensation for their services as Commissioners. Of such Commissioners—

(a) one shall be an official of the United States Government; and

(b) each of the others shall be a person residing in a State or Territory, the residents of which maintain a substantial fishery in the Convention area.

Advisory com-
mittee.

SEC. 4. (a) The United States Section shall appoint an advisory committee composed of not less than five nor more than twenty members and shall fix the terms of office thereof, such members to be selected both from the various groups participating in the fisheries covered by the Convention and from the fishery agencies of the States or Territories, the residents of which maintain a substantial fishery in the Convention area.

(b) Any or all members of the advisory committee may attend all sessions of the Commission except executive sessions.

(c) The advisory committee shall be invited to all nonexecutive meetings of the United States Section and at such meetings shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section.

(d) The members of the advisory committee shall receive no compensation for their services as such members. On approval by the United States Section, not more than three members of the committee, designated by the committee, may be paid for transportation expenses and per diem incident to attendance at meetings of the Commission or of the United States Section.

Nonapplicability
of certain statutes.

SEC. 5. Service of any individual appointed from private life as a United States Commissioner pursuant to section 3, or as a member of the Advisory Committee appointed pursuant to section 4 (a), shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, 284, and 434 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99), except insofar as such provisions of law may prohibit any such individual from acting or receiving compensation in respect

to matters directly relating to the Convention, this Act, or regulations issued pursuant to this Act.

SEC. 6. The President is authorized to (a) accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with the provisions of article III, section 1, of the Convention, and recommendations made by the Commission in pursuance of the provisions of the Protocol to the Convention; and (b) act for the United States in the selection of persons by the contracting parties to compose the special committee provided by the Protocol to the Convention.

Presidential authority.

SEC. 7. Any agency of the Federal Government is authorized, upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish, on a reimbursable basis, facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention. Such agency may accept reimbursement from the Commission.

Agency co-operation.

Reimbursement.

SEC. 8. (a) The provisions of the Convention and this Act relating to abstention from fishing in certain areas by the nationals and vessels of one or more of the contracting parties shall be enforced by the Coast Guard in cooperation with the Fish and Wildlife Service and the Bureau of Customs.

Restricted fishing areas.
Enforcement.

(b) For such purposes any Coast Guard officer, any officer of the Fish and Wildlife Service, or any other person authorized to enforce the provisions of the Convention and this Act referred to in subsection (a) of this section may go on board any fishing vessel of Canada or Japan found in waters in which Canada or Japan has agreed by or under the Convention to abstain from exploitation of one or more stocks of fish, and, when he has reasonable cause to believe that such vessel is engaging in operations in violation of the provisions of the Convention, may, without warrant or other process, inspect the equipment, books, documents, and other articles on such vessel and question the persons on board, and for these purposes may hail and stop such vessel, and use all necessary force to compel compliance.

(c) Whenever any such officer has reasonable cause to believe that any person on any fishing vessel of Canada or Japan is violating, or immediately prior to the boarding of such vessel was violating, the provisions of the Convention referred to in subsection (a) of this section, such person, and any such vessel employed in such violation shall be detained and shall be delivered as promptly as practicable to an authorized official of the nation to which they belong in accordance with the provisions of the Convention.

(d) Any officer of the Coast Guard, any officer of the Fish and Wildlife Service, or any other person authorized to enforce the provisions of the Convention and this Act referred to in subsection (a) of this section, may be directed to attend as witnesses and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in Canada or Japan of any violation of the provisions of the Convention or any Canadian or Japanese law for the enforcement thereof when requested by the appropriate authorities of Canada or Japan respectively.

SEC. 9. The Secretary of the Interior may designate officers of the States and Territories of the United States to enforce the provisions of the Convention and this Act in so far as they pertain to fishing vessels of the United States and the persons on board such vessels.

U. S. fishing vessels, etc.

SEC. 10. (a) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to engage in the catching of any stock of fish from which the United States may agree to abstain in the waters specified for such abstention as set forth in the Annex to the Convention, or to load, process, possess, or transport any

Unlawful acts.

such fish or fish products processed therefrom in the said waters, or to land in a port of the United States any fish so caught, loaded, possessed, or transported or any fish products processed therefrom.

(b) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport any fish specified in subsection (a) of this section or any fish products processed therefrom in the territorial waters of the United States or in any waters of the Convention area in addition to those specified in subsection (a) of this section, or to land in a port of the United States any such fish or fish products.

(c) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport in the Convention area or in the territorial waters of the United States any fish taken by a national of Canada or Japan from a stock of fish from which Canada or Japan respectively has agreed to abstain as set forth in the Annex to the Convention or any fish products processed therefrom, or to land such fish or fish products in a port of the United States.

(d) It shall be unlawful for any person subject to the jurisdiction of the United States to aid or abet in the taking of fish by a national or fishing vessel of Canada or of Japan from a stock of fish from which Canada or Japan has respectively agreed to abstain as set forth in the Annex of the Convention.

(e) It shall be unlawful for the master or owner or any person in charge of any fishing vessel of the United States to refuse to permit the duly authorized officials of the United States, Canada, or Japan to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provision of the Convention, or to obstruct such officials in the execution of such duties.

Penalties.

SEC. 11. (a) Any person violating subsection (a), (b), or (c) of section 10 of this Act shall upon conviction be fined not more than \$10,000, and for such offense the court may order forfeited, in whole or in part, the fish concerned in the offense, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

(b) Any person violating subsection (d) of section 10 of this Act shall upon conviction be fined not more than \$10,000.

(c) Any person violating subsection (e) of section 10 of this Act shall upon conviction be fined not more than \$10,000 and be imprisoned for not more than one year or both, and for such offense the court may order forfeited, in whole or in part the fish and fishing gear on board the vessel, or both, or the monetary value thereof. Such fish and fishing gear shall be disposed of in accordance with the direction of the court.

64 Stat. 1070.

Applicable statutes.

(d) Section 10 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U. S. C. 989) shall not apply to violations for which penalties are provided in this section.

SEC. 12. For the effective execution of this Act, sections 7 (a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U. S. C. 986, 988, 989, 990) shall be deemed to be incorporated herein in haec verba provided that regulations authorized by section 7 (a) of the Northwest Atlantic Fisheries Act shall be adopted by the Secretary of the Interior on consultation with the United States Section and shall apply only to stocks of fish in the Convention area contiguous to the territorial waters of Alaska.

SEC. 13. (a) There is hereby authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this Act, including—

Appropriations.

(1) necessary travel expenses of the United States Commissioners without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, or section 10 of the Act of March 3, 1933 (U. S. C., title 5, sec. 73b); and

63 Stat. 166.
5 USC 835 note.
60 Stat. 808.

(2) the United States share of the joint expenses of the Commission; provided that the Commissioners shall not, with respect to commitments concerning the United States share of the joint expenses of the Commission, be subject to the provisions of section 262 (b) of title 22 of the United States Code insofar as they limit the authority of United States representatives to international organizations with respect to such commitments.

66 Stat. 550.
22 USC 262b.

(b) Such funds as shall be made available to the Secretary of the Interior for research and related activities shall be expended to carry out the program of the Commission in accordance with recommendations of the United States Section.

SEC. 14. If any provision of this Act or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

Separability.

Approved August 12, 1954.

Public Law 580

CHAPTER 725

JOINT RESOLUTION

To repeal certain World War II laws relating to return of fishing vessels, and for other purposes.

August 13, 1954
[S. J. Res. 67]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective upon the enactment of this joint resolution, the following statutory provisions are repealed:

Repeals.

(a) The Act of April 29, 1943, entitled "An Act to authorize the return to private ownership of certain vessels formerly used or suitable for use in the fisheries or industries related thereto", as amended (Public Law 44, Seventy-eighth Congress, 57 Stat. 69; Public Law 305, Seventy-eighth Congress, 58 Stat. 223; Public Law 716, Seventy-ninth Congress, 60 Stat. 976; 50 War App. U. S. C. 1301-1305).

Fishing vessels.
Return to private
ownership.

(b) The Act of August 10, 1946, entitled "An Act relating to the sale by the United States of surplus vessels suitable for fishing" (Public Law 717, Seventy-ninth Congress, 60 Stat. 977; 50 War App. U. S. C. 1306-1308). Notwithstanding the enactment of this joint resolution, the aforesaid statutory provisions shall apply to any vessels which prior to such enactment have been declared available for return to former owners by notice to the Department of Commerce under the Act of April 29, 1943, as amended, or determined to be surplus for sale to former owners of fishing vessels in accordance with the Act of August 10, 1946 (Public Law 717, Seventy-ninth Congress). Any other vessels which, but for the enactment of this joint resolution, would be disposed of in accordance with any of the aforesaid statutory provisions, shall be disposed of in accordance with the provisions of other existing laws.

Sale.

Effectivity.

Approved August 13, 1954.

Public Law 581

CHAPTER 726

JOINT RESOLUTION

August 13, 1954
[S. J. Res. 149]

Designating the month of September 1955 as John Marshall Bicentennial Month, and creating a commission to supervise and direct the observance of such month.

Whereas September 24, 1955, will mark the two hundredth anniversary of the birth of John Marshall, who has been rightly called "the Great Chief Justice"; and

Whereas the work of John Marshall in expounding constitutional principles has been one of the most important factors in developing and maintaining the liberties of the people of the United States; and

Whereas a wider public knowledge and appreciation of the achievements of the great Chief Justice, John Marshall, is highly desirable in order to strengthen the moral, social, and political structure of our Nation, and as a means of helping to preserve and protect the lives, liberties, and property of all our people: Therefore be it

John Marshall Bi-
centennial Month.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September 1955 is hereby set aside and designated as "John Marshall Bicentennial Month", in commemoration of the two hundredth anniversary of the birth of John Marshall, and in recognition of the vital part which he played in the development of our Nation. The President is requested to issue a proclamation calling upon appropriate agencies and organizations throughout the United States to unite in observing such bicentennial month with suitable activities and ceremonies, and inviting all the people of the United States to join therein.

Commission.

SEC. 2. There is hereby established a commission to be known as the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of John Marshall (hereinafter referred to as the "Commission"), and to be composed of nineteen members as follows:

Members.

(1) The President of the United States, the President pro tempore of the Senate, and the Speaker of the House of Representatives, ex officio;

(2) Eight persons to be appointed by the President of the United States;

(3) Four Members of the Senate to be appointed by the President pro tempore of the Senate; and

(4) Four Members of the House of Representatives to be appointed by the Speaker of the House of Representatives.

Duties.

SEC. 3. The Commission shall have the duty of supervising and directing the observance of John Marshall Bicentennial Month, and shall prepare appropriate plans and programs for the celebration of such month, giving due consideration to any proposed plans and programs which may be submitted to it. The Commission shall receive and coordinate any plans which may be prepared by State and local agencies, and by representative civic bodies, in connection with the celebration of such month. The Commission shall submit to the Congress at the earliest practicable time a full report of its activities together with a detailed statement of the plans and programs to be used in such celebration.

Chairman and
Vice Chairman.
Compensation.

SEC. 4. (a) The Commission shall select a Chairman and a Vice Chairman from among its members. Members of the Commission shall receive no compensation for their services as such, but shall be reimbursed for expenses necessarily incurred in the discharge of their duties under this joint resolution.

(b) The Commission may employ such administrative personnel, advisers, and clerical and other assistants as may be necessary to carry out its duties under this joint resolution.

SEC. 5. The Commission shall expire on December 31, 1955.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out this joint resolution.

Approved August 13, 1954.

Personnel.

Expiration.

Appropriation.

Public Law 582

CHAPTER 727

AN ACT

Authorizing the Secretary of the Interior to issue quitclaim deeds to the States for certain lands.

August 13, 1954
[S. 2027]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall issue quitclaim deeds to the public-land States for all lands patented to such States under section 4 of the Carey Act of August 18, 1894 (43 U. S. C., sec. 641). He shall also issue a patent for all unpatented public lands within each State now segregated under that Act for which the State issued final certificates or other evidence of right prior to June 1, 1953, or as to which equitable claims to the lands accrued prior to that date (by reason of cultivation or improvement of the lands for agricultural development purposes) for conveyance to the holders of such rights or claims, or to their heirs, successors, or assigns.

Public-land
States.
Quitclaim deeds.

28 Stat. 422.

SEC. 2. The Secretary shall not issue such quitclaim deeds or patents to any State, however, unless that State files a proper application for the transfer of these lands within three years after the date of the enactment of this Act.

Filing of applica-
tion.

SEC. 3. The application must include a list of all the lands which the State certifies should be transferred under the terms of section 1 of this Act, the basis for the certification of each tract included, and a quitclaim or relinquishment of all right, title, and interest in the State to any and all other lands under the Carey Act. Such quitclaim or relinquishment by the State shall not affect any private rights obtained from the State prior to the enactment of this Act.

43 USC 641.

SEC. 4. The quitclaim or relinquishment of all right, title, and interest by the State to any lands under this Act shall not be effective until the Secretary has transferred the lands applied for under section 1 of this Act. The Secretary shall provide for the administration and disposition under the public-land laws of the lands quitclaimed or relinquished by the States pursuant to this Act.

Effectivity.

Approved August 13, 1954.

Public Law 583

CHAPTER 728

AN ACT

To provide that United States commissioners who are required to devote full time to the duties of the office may be allowed their necessary office expenses.

August 13, 1954
[S. 2204]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the catchline to section 633 of title 28, United States Code, is amended so that such catchline will read as follows:

U. S. Commis-
sioners.
62 Stat. 916.

“§ 633. Fees and expenses”.

Office expenses.

(b) That section 633 of title 28, United States Code, is amended by adding at the end thereof a new subsection (c), reading as follows:

“(c) United States commissioners who are required to devote full time to the performance of the duties of the office, as determined by the Director of the Administrative Office of the United States Courts under the supervision and direction of the Judicial Conference of the United States and who do not engage in the practice of the law, shall be allowed their actual and necessary office expenses, including the compensation of a necessary clerical assistant. Such office expense shall be determined and paid and such compensation shall be fixed and paid by the Director of the Administrative Office of the United States Courts under the provisions of section 604 of this title.”

62 Stat. 915.

(c) The analysis of chapter 43 of title 28, United States Code, immediately preceding section 631 of such title, is amended so that item 633 in such analysis will read as follows:

“633. Fees and expenses.”

67 Stat. 102.
D. C. Code 11-
332.

SEC. 2. The amendment made by the first section of this Act shall not apply to any United States Commissioner for the District of Columbia, and this Act shall not be deemed to modify, supersede, or repeal the provisions of section 403 of the District of Columbia Law Enforcement Act of 1953.

Approved August 13, 1954.

Public Law 584

CHAPTER 729

August 13, 1954
[S. 2453]

AN ACT

To amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio equipment and radio operators on board ship.

Sea safety by
radio.
50 Stat. 192.
47 USC 351.

Unlawful acts.
Cargo ships.
Under 500 tons.

Exception.

TIAS 2495.

1600 tons or over.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1) and (2) of section 351 (a) of the Communications Act of 1934, as amended, are amended to read as follows:

“(1) For any ship of the United States, other than a cargo ship of less than five hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than five hundred gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio installation in operating condition in charge of and operated by a qualified operator or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio installation, as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act: *Provided*, That the Commission may defer the application of the provisions of this section for a period not beyond January 1, 1955, with respect to cargo ships of less than sixteen hundred gross tons not subject to the radio requirements of the Safety Convention when it is found impracticable to obtain or install equipment necessary for compliance therewith;

“(2) For any ship of the United States of sixteen hundred gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for

a voyage in the open sea, unless such ship is equipped with an efficient radio direction finding apparatus (radio compass) properly adjusted in operating condition as hereinafter provided, which apparatus is approved by the Commission: *Provided*, That the Commission may defer the application of the provisions of this section with respect to radio direction finding apparatus to a ship or ships between one thousand six hundred and five thousand gross tons for a period not beyond November 19, 1954, if it is found impracticable to obtain or install such direction finding apparatus."

(b) Paragraph (3) of section 352 (a) of such Act is amended to read as follows:

"(3) A foreign ship belonging to a country which is a party to any Safety Convention in force between the United States and that country which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect, or which ship is not subject to the radio provisions of any such Convention;"

(c) Section 352 of such Act is amended by adding at the end thereof a new subsection as follows:

"(c) If, because of unforeseeable failure of equipment, a ship is unable to comply with the equipment requirements of this part without undue delay of the ship, the mileage limitations set forth in paragraphs (1) and (2) of subsection (b) shall not apply: *Provided*, That exemption of the ship is found to be reasonable or necessary in accordance with subsection (b) to permit the ship to proceed to a port where the equipment deficiency may be remedied."

(d) Section 353 of such Act is amended to read as follows:

"OPERATORS, WATCHES, AUTO-ALARM—RADIOTELEGRAPH EQUIPPED SHIPS

"SEC. 353. (a) Each cargo ship required by this part to be fitted with a radiotelegraph installation and which is not fitted with an auto-alarm, and each passenger ship required by this part to be fitted with a radiotelegraph installation, shall, for safety purposes, carry at least two qualified operators.

"(b) A cargo ship, required by this part to be fitted with a radiotelegraph installation, which is fitted with an auto-alarm in accordance with this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

"(c) Each ship of the United States required by this part to be fitted with a radio telegraph installation shall, while being navigated outside a harbor or port, keep a continuous watch by means of qualified operators: *Provided*, That in lieu thereof, on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a qualified operator.

"(d) The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States which is required by this part to be fitted with a radiotelegraph installation.

"(e) On all ships of the United States fitted with an auto-alarm, said apparatus shall be in operation at all times while the ship is being navigated outside of a harbor or port when the operator is not on watch."

Exception.

50 Stat. 192.
47 USC 352.

Exempt vessels.

47 USC 352.

Equipment failure.

50 Stat. 193.
47 USC 353.

Redesignation of
sections.

47 USC 354-362.

SEC. 2. (a) Such Act is amended by—

(1) redesignating sections 354, 355, 356, 357, 358, 359, 360, 361, and 362 thereof as sections 355, 357, 358, 359, 360, 361, 362, 363, and 364 thereof, respectively; and

(2) amending each such section number wherever it appears therein to conform to the redesignation prescribed by paragraph (1) of this subsection.

(b) Such Act is amended by inserting, immediately after section 353 thereof, the following new section:

“OPERATORS, WATCHES—RADIOTELEPHONE EQUIPPED SHIPS

“SEC. 354. (a) Each cargo ship fitted with a radiotelephone installation in accordance with section 356 shall, for safety purposes, carry at least one qualified operator who may be a member of the crew holding only a certificate for radio telephony.

“(b) Each cargo ship of the United States fitted with a radiotelephone installation in accordance with section 356 shall, while being navigated outside a harbor or port, keep a listening watch in such manner and during such periods as determined by the Commission.”

(c) That portion of section 355 of such Act, as redesignated hereby, which precedes subsection (b) thereof is amended to read as follows:

“TECHNICAL REQUIREMENTS—RADIOTELEGRAPH EQUIPPED SHIPS

“SEC. 355. The radio installation and the radio direction finding apparatus required by section 351 of this part shall comply with the following requirements:

“(a) The radio installation shall comprise a main and an emergency or reserve radiotelegraph installation: *Provided*, That, in the case of an existing installation on a cargo ship and a new installation on a cargo ship of five hundred gross tons and upwards but less than one thousand six hundred gross tons, if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must, in all cases, be provided.”

(d) Such Act is amended by inserting, immediately after section 355 thereof, as redesignated hereby, the following new section:

“TECHNICAL REQUIREMENTS—RADIOTELEPHONE EQUIPPED SHIPS

“SEC. 356. Cargo ships of less than sixteen hundred gross tons may, in lieu of the radiotelegraph installation prescribed by section 355, carry a radiotelephone installation meeting the following requirements:

“(a) The ship’s radiotelephone installation shall be in the upper part of the ship and, unless situated on the bridge, there shall be efficient communication with the bridge.

“(b) The radiotelephone installation shall be capable of transmitting and receiving on the frequencies and with types of emissions designated by the Commission pursuant to law for the purpose of distress and safety of navigation.

“(c) The transmitter shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of one hundred and fifty nautical miles.

“(d) There shall be available at all times a source of energy sufficient to operate the installation over the normal range required by paragraph (c). If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least six hours

continuously under normal working conditions. In new installations an emergency source of energy shall be provided in the upper part of the ship unless the main source of energy is so situated."

(e) The text of section 357 of such Act, as redesignated hereby, is amended to read as follows:

"SEC. 357. Every ship required to be provided with lifeboat radio by treaty to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with efficient radio equipment appropriate to such requirement under such rules and regulations as the Commission may find necessary for safety of life. For purposes of this section, 'radio equipment' shall include portable as well as nonportable apparatus."

Life boat radio
equipped ships.

"Radio equip-
ment."

(f) Subsection 361 (b) of such Act, as redesignated hereby, is amended to read as follows:

"(b) Appropriate certificates concerning the radio particulars provided for in said Convention shall be issued upon proper request to any vessel which is subject to the radio provisions of the Safety Convention and is found by the Commission to comply therewith. Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates, as prescribed by the said Convention, and Exemption Certificates issued in lieu of such certificates, shall be issued by the Commission. Other certificates concerning the radio particulars provided for in the said Convention shall be issued by the Commandant of the Coast Guard or whatever other agency is authorized by law to do so upon request of the Commission made after proper inspection or determination of the facts. If the holder of a certificate violates the radio provisions of the Safety Convention or the provisions of this Act, or the rules, regulations or conditions prescribed by the Commission, and if the effective administration of the Safety Convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to modify or cancel a certificate which it has issued, or to request the modification or cancellation of a certificate which has been issued by another agency upon the Commission's request. Upon receipt of such request for modification or cancellation, the Commandant of the Coast Guard, or whatever agency is authorized by law to do so, shall modify or cancel the certificate in accordance therewith."

Certificates of
Convention, radio
particulars.

Violations.

Modification or
cancellation.

SEC. 3. Section 3 of such Act is amended by inserting at the end thereof the following new subsections:

47 USC 153.

"(ee) 'Existing installation', as used in section 355 of this Act, means an installation installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or one installed on a ship prior to a date one year after the effective date of this subsection in the case of other ships subject to part II of title III of this Act.

Definitions.

"(ff) 'New installation', as used in sections 355 and 356 of this Act, means an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, one installed on a ship subsequent to November 19, 1952, and, in the case of other ships subject to part II of title III of this Act, one which is installed subsequent to a date one year after the effective date of this subsection."

Approved August 13, 1954.

Public Law 585

CHAPTER 730

AN ACT

August 13, 1954
[S. 3344]

To amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

Mineral leasing
claims.
Preference cate-
gories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the conditions and provisions of this Act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

(1) included in a permit or lease issued under the mineral leasing laws; or

(2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) known to be valuable for minerals subject to disposition under the mineral leasing laws,

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: *Provided, however,* That, in order to be entitled to the benefits of this Act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of the Act of August 12, 1953 (67 Stat. 539), an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said Act of August 12, 1953, and for the purpose of obtaining the benefits thereof: *And provided further,* That in order to obtain the benefits of this Act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than one hundred and twenty days after the date of enactment of this Act, must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this Act and for the purpose of obtaining the benefits thereof and, within said one hundred and twenty day period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

30 USC 501-504.

Labor and im-
provements.

(b) Labor performed or improvements made after the original location of and upon or for the benefit of any mining claim which shall be entitled to the benefits of this Act under the provisions of subsection (a) of this section 1, shall be recognized as applicable to such mining claim for all purposes to the same extent as if the validity of such mining claim were in no respect dependent upon the provisions of this Act.

Withdrawal of
lands, etc.

(c) As to any land covered by any mining claim which is entitled to the benefits of this Act under the provisions of subsection (a) of this section 1, any withdrawal or reservation of lands made after the original location of such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States which, subsequent to July 31, 1939, and prior to the date of such with-

drawal or reservation, were subject to location under the mining laws of the United States.

SEC. 2. (a) If any mining claim which shall have been located subsequent to December 31, 1952, and prior to December 11, 1953, and which shall be entitled to the benefits of this Act, shall cover any lands embraced within any mining claim which shall have been located prior to January 1, 1953, and which shall be entitled to the benefits of this Act, then as to such area of conflict said mining claim so located subsequent to December 31, 1952, shall be deemed to have been located December 11, 1953.

(b) If any mining claim hereafter located shall cover any lands embraced within any mining claim which shall have been located prior to February 10, 1954, and which shall be entitled to the benefits of this Act, then as to such area of conflict said mining claim hereafter located shall be deemed to have been located one hundred and twenty-one days after the date of the enactment of this Act.

SEC. 3. (a) Subject to the conditions and provisions of this Act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of one hundred and twenty days after the date of enactment of this Act, as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

Uranium leases,
etc.

(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this Act or which may acquire validity under the provisions of this Act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 C. F. R. 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of thirty days after the filing for record of the notice or certificate of location of such mining claim unless, within said thirty-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

(c) Except as otherwise provided in subsections (a) and (b) of this section 3, no mining claim hereafter located shall be valid as to any lands which at the time of such location were covered by a uranium lease application or a uranium lease. Any tract upon which a notice of lease application has been posted in accordance with said para-

graph (c) of said Circular 7 shall be deemed to have been included in a uranium lease application from and after the time of the posting of such notice of lease application: *Provided*, That there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then from and after the time of the filing of a uranium lease application with the Atomic Energy Commission.

Future mining
claims, etc.

SEC. 4. Every mining claim or millsite—

(1) heretofore located under the mining laws of the United States which shall be entitled to benefits under the first three sections of this Act; or

Mineral reserva-
tion to U. S.

(2) located under the mining laws of the United States after the effective date of passage of this Act, shall be subject, prior to issuance of a patent therefor, to a reservation to the United States of all Leasing Act minerals and of the right (as limited in section 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite shall contain such reservation as to, but only as to, such lands covered thereby which at the time of the issuance of such patent were—

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws.

Location.

SEC. 5. Subject to the conditions and provisions of this Act, mining claims and millsites may hereafter be located under the mining laws of the United States on lands of the United States which at the time of location are—

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws;

to the same extent in all respects as if such lands were not so included or covered or known.

Mining and Leas-
ing Act operations.

SEC. 6. (a) Where the same lands are being utilized for mining operations and Leasing Act operations, each of such operations shall be conducted, so far as reasonably practicable, in a manner compatible with such multiple use.

(b) Any mining operations pursuant to rights under any unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this Act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any Leasing Act mineral. Subject to the provisions of subsection (d) of this section 6, mining operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of Leasing Act operations, or with the utilization of such improvements, workings, or facilities.

(c) Any Leasing Act operations on lands covered by an unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this Act shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any mineral not so reserved from such mining claim or millsite. Subject to the provisions of subsection (d) of this section 6, Leasing Act operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations, or with the utilization of such improvements, workings, or facilities.

(d) If, upon petition of either the mining operator or the Leasing Act operator, any court of competent jurisdiction shall find that a particular use in connection with one of such operations cannot be reasonably and properly conducted without endangering or materially interfering with the then existing improvements, workings, or facilities of the other of such operations or with the utilization thereof, and shall find that under the conditions and circumstances, as they then appear, the injury or damage which would result from denial of such particular use would outweigh the injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof if that particular use were allowed, then and in such event such court may permit such use upon payment (or upon furnishing of security determined by the court to be adequate to secure payment) to the party or parties who would be thus injured or damaged, of an amount to be fixed by the court as constituting fair compensation for the then reasonably contemplated injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof by reason of the allowance of such particular use.

(e) Where the same lands are being utilized for mining operations and Leasing Act operations, then upon request of the party conducting either of said operations, the party conducting the other of said operations shall furnish to and at the expense of such requesting party copies of any information which said other party may have, as to the situs of any improvements, workings, or facilities theretofore made upon such lands, and upon like request, shall permit such requesting party, at the risk of such requesting party, to have access at reasonable times to any such improvements, workings, or facilities for the purpose of surveying and checking or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral leasing laws may file in the office of the Secretary of the

Unpatented mining claims.

Procedure for de-
termination.
Filing of notice.

Interior, or in such office as the Secretary may designate, a request for publication of notice of such application, offer, permit, or lease, provided expressly, that not less than ninety days prior to the filing of such request for publication there shall have been filed for record in the county office of record for the county in which the lands covered thereby are situate a notice of the filing of such application or offer or of the issuance of such permit or lease which notice shall set forth the date of such filing or issuance, the name and address of the applicant, offeror, permittee or lessee and the description of the lands covered by such application, offer, permit or lease, showing the section or sections of the public land surveys which embrace the lands covered by such application, offer, permit, or lease, or if such lands are unsurveyed, either the section or sections which would probably embrace such lands when the public lands surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

The filing of such request for publication shall be accompanied by a certified copy of such recorded notice and an affidavit or affidavits of a person or persons over twenty-one years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's, abstractor's, or attorney's examination of the instruments affecting the lands involved, of record in the public records of the county in which said lands are situate as shown by the indices of the public records in the county office of record for said county, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if disclosed by such instruments of record.

Thereupon the Secretary of the Interior, or his designated representative, at the expense of the requesting person (who, prior to the commencement of publication, must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of such application, offer, permit, or lease to be published in a newspaper having general circulation in the county in which the lands involved are situate.

Such notice shall describe the lands covered by such application, offer, permit, or lease, as provided heretofore in the notice to be filed in the office of record of the county in which the lands covered are situate, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim heretofore located, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within one hundred fifty days from the date of the first publication of such notice (which date shall be specified in

such notice), a verified statement which shall set forth, as to such unpatented mining claim:

- (1) The date of location;
- (2) The book and page of recordation of the notice or certificate of location;
- (3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;
- (4) Whether such claimant is a locator or purchaser under such location; and
- (5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this Act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

If such notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks, or, if in a weekly paper, in nine consecutive issues, or, if in a semiweekly or triweekly paper, in the issue of the same day of each week for nine consecutive weeks.

Within fifteen days after the date of first publication of such notice, the person requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 7, and shall cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

(b) If any claimant under any unpatented mining claim heretofore located which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this section 7 shall fail to file a verified statement, as above provided, within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section 7, (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this Act, and (iii)

to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section 7, then the Secretary of the Interior or his designated representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals, which place of hearing shall be in the county where the lands in question or parts thereof are located, unless the mining claimant agrees otherwise. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If, pursuant to such a hearing the final decision rendered in the matter shall affirm the validity and effectiveness of any mining claimant's right or interest under the mining claim as to Leasing Act minerals, then no subsequent proceedings under this section 7 of this Act shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

(d) Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(e) If any applicant, offeror, permittee, or lessee shall fail to comply with the requirements of subsection (a) of this section 7 as to the

personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

SEC. 8. The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this Act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

Heretofore located claims.
Relinquishment of mineral rights.

SEC. 9. Lands withdrawn from the public domain which are within (a) Helium Reserve Numbered 1, pursuant to Executive orders of March 21, 1924, and January 28, 1926, and (b) Helium Reserve Numbered 2 pursuant to Executive Order 6184 of June 26, 1933, shall be subject to entry and location under the mining laws of the United States, and to permit and lease under the mineral leasing laws, upon determination by the Secretary of the Interior, based upon available geologic and other information, that there is no reasonable probability that operations pursuant to entry or location of the particular lands under the mining laws, or pursuant to a permit or lease of the particular lands under the Mineral Leasing Act, will result in the extraction or cause loss or waste of the helium-bearing gas in the lands of such reserves: *Provided*, That the lands shall not become subject to entry, location, permit, or lease until such time as the Secretary designates in an order published in the Federal Register: *And provided further*, That the Secretary may at any time as a condition to continued mineral operations require the entryman, locator, permittee or lessee to take such measures either above or below the surface of the lands as the Secretary deems necessary to prevent loss or waste of the helium-bearing gas.

Helium lands subject to entry.

41 Stat. 437.
30 USC 22, 181 et seq.

Publication of order in FR.

SEC. 10. The Atomic Energy Act is hereby amended as follows:

(a) Section 5 (b) (5) is revised to read:

"(5) ACQUISITION.—The Commission is authorized to the extent it deems necessary to effectuate the provisions of this Act—

60 Stat. 761.
42 USC 1805 (b) (5).
Post, p. 919.
Fissionable source materials.

"(A) to purchase, take, requisition, condemn, or otherwise acquire supplies of fissionable source materials or any interest in real property containing deposits of fissionable source materials; and

"(B) to purchase, take, requisition, condemn, or otherwise acquire rights to enter upon any real property deemed by it to have possibilities of containing deposits of fissionable source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all fissionable source materials delivered to it within a specified time. Just compensation shall be

made for any property or interest in property purchased, taken, requisitioned, condemned, or otherwise acquired under this paragraph."

^{42 USC 1805 (b)}
(6).

(b) Section 5 (b) (6) is revised to read:

"(6) OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of fissionable source materials (or for any or all of these purposes) in lands belonging to the United States: *Provided*, That, notwithstanding any other provisions of law, such leases or permits may be issued for lands administered for national park, monument, and wildlife purposes only when the President, by Executive order, finds and declares that such action is necessary in the interests of national defense."

^{42 USC 1805 (b)}
(7).

(c) Section 5 (b) (7) is revised to read:

"(7) PUBLIC LANDS.—No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic energy program, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such program, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other fissionable source materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or cause the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States fissionable source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation."

^{42 USC 1801}
note.
Supra.
^{30 USC 501-505.}
^{30 USC 503.}

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the Act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for, or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

"Mineral leasing laws."
^{48 USC 432-451.}
^{30 USC 22-287}
passim.

"Leasing Act minerals."

"Leasing Act operations."

"Mining operations."

SEC. 11. As used in this Act "mineral leasing laws" shall mean the Act of October 20, 1914 (38 Stat. 741); the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057); and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts; "Leasing Act minerals" shall mean all minerals which, upon the effective date of this Act, are provided in the mineral leasing laws to be disposed of thereunder; "Leasing Act operations" shall mean operations conducted under a lease, permit, or license issued under the mineral leasing laws in or incidental to prospecting for, drilling for, mining, treating, storing, transporting, or removing Leasing Act minerals; "mining operations" shall mean operations

under any unpatented or patented mining claim or millsite in or incidental to prospecting for, mining, treating, storing, transporting, or removing minerals other than Leasing Act minerals and any other use under any claim of right or title based upon such mining claim or millsite; "Leasing Act operator" shall mean any party who shall conduct Leasing Act operations; "mining operator" shall mean any party who shall conduct mining operations; "Atomic Energy Act" shall mean the Act of August 1, 1946 (60 Stat. 755), as amended; "Atomic Energy Commission" shall mean the United States Atomic Energy Commission established under the Atomic Energy Act or any amendments thereof; "fissionable source material" shall mean uranium, thorium, and all other materials referred to in section 5 (b) (1) of the Atomic Energy Act as reserved or to be reserved to the United States; "uranium lease application" shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; "uranium lease" shall mean a uranium mining lease issued by said Commission with respect to any such lands; and "person" shall mean any individual, corporation, partnership, or other legal entity.

SEC. 12. Nothing in this Act shall be construed to waive, amend, or repeal the requirement of any provision of any law for approval of any official of the United States whose approval prior to prospecting, exploring, or mining would be required.

SEC. 13. If any provision of this Act, or the application of such provision to any person or circumstances, is held unconstitutional, invalid, or unenforceable, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held unconstitutional, invalid, or unenforceable, shall not be affected thereby.

Approved August 13, 1954.

"Leasing Act operator."
"Mining operator."

42 USC 1801 note..

"AEC."

"Fissionable source material,"
42 USC 1805 (b) (1).

"Uranium lease application."

"U r a n i u m lease."

"Person."

Requirement.

Separability.

Public Law 586

CHAPTER 731

AN ACT

To amend the Act of April 6, 1937, as amended, to include cooperation with the Governments of Canada or Mexico or local Canadian or Mexican authorities for the control of incipient or emergency outbreaks of insect pests or plant diseases.

August 13, 1954
[S. 3697]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of April 6, 1937, as amended (7 U. S. C. 148), is further amended by adding at the end thereof the following: "The Secretary of Agriculture is further authorized to cooperate with the Governments of Canada or Mexico or local Canadian or Mexican authorities in carrying out in such countries necessary operations or measures to control incipient or emergency outbreaks of insect pests or plant diseases, when such operations or measures are necessary to protect the agriculture of the United States. In performing the operations or measures authorized under this Act, the cooperating foreign country, State, or local agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country or State other than those owned or controlled by the Federal Government and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary."

Insect pest control.
Canadian-Mexican cooperation.
52 Stat. 344.

Approved August 13, 1954.

Public Law 587

CHAPTER 732

AN ACT

August 13, 1954
[S. 2745]

To provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes.

Klamath Indians.
Termination of
Federal supervision.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to provide for the termination of Federal supervision over the trust and restricted property of the Klamath Tribe of Indians consisting of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, and of the individual members thereof, for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of said Indians, and for a termination of Federal services furnished such Indians because of their status as Indians.

Definitions.

SEC. 2. For the purposes of this Act:

(a) "Tribe" means the Klamath Tribe of Indians consisting of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians.

(b) "Secretary" means the Secretary of the Interior.

(c) "Lands" means real property, interests therein, or improvements thereon, and include water rights.

(d) "Tribal property" means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribe and either is held by the United States in trust for the tribe or is subject to a restriction against alienation imposed by the United States.

(e) "Adult" means a member of the tribe who has attained the age of twenty-one years.

Tribal roll.

SEC. 3. At midnight of the date of enactment of this Act the roll of the tribe shall be closed and no child born thereafter shall be eligible for enrollment: *Provided*, That the tribe shall have a period of six months from the date of this Act in which to prepare and submit to the Secretary a proposed roll of the members of the tribe living on the date of this Act, which shall be published in the Federal Register. If the tribe fails to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribe, which shall be published in the Federal Register. Any person claiming membership rights in the tribe or an interest in its assets, or a representative of the Secretary on behalf of any such person, may, within ninety days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals, the roll of the tribe shall be published in the Federal Register, and such roll shall be final for the purposes of this Act.

Publication in FR.

Appeals.

Final roll.
Publication in FR.

Personal property rights.

SEC. 4. Upon publication in the Federal Register of the final roll as provided in section 3 of this Act, the rights or beneficial interests in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 6 of this Act without the approval of the Secretary. Any contract made in violation of this section shall be null and void.

Management specialists.
Duties.

SEC. 5. (a) The Secretary is authorized and directed to select and retain by contract, at the earliest practicable time after the enactment of this Act and after consultation with the tribe at a general meeting called for that purpose, the services of qualified management specialists who shall—

(1) cause an appraisal to be made, within not more than twelve months after their employment, or as soon thereafter as practicable, of all tribal property showing its fair market value by practicable logging or other appropriate economic units;

(2) give each adult member of the tribe, immediately after the appraisal of the tribal property, an opportunity to elect for himself, and, in the case of a head of a family, for the members of the family who are minors, to withdraw from the tribe and have his interest in tribal property converted into money and paid to him, or to remain in the tribe and participate in the tribal management plan to be prepared pursuant to paragraph (5) of this subsection;

(3) determine and select the portion of the tribal property which if sold at the appraised value would provide sufficient funds to pay the members who elect to have their interests converted into money, arrange for the sale of such property, and distribute the proceeds of sale among the members entitled thereto: *Provided*, That whenever funds have accumulated in the amount of \$200,000 or more, such funds shall be distributed pro rata to the members who elected to take distribution of their individual shares, and thereafter similar pro rata distribution shall be made whenever funds have accumulated in the amount of \$200,000 or more until all of the property set aside for sale shall have been sold and the proceeds distributed: *Provided further*, That any such member shall have the right to purchase any part of such property for not less than the highest offer received by competitive bid, and to apply toward the purchase price all or any part of the sum due him from the conversion of his interest in tribal property: *Provided further*, That when determining and selecting the portion of the tribal property to be sold, due consideration shall be given to the use of such property for grazing purposes by the members of both groups of the tribe;

(4) cause such studies and reports to be made as may be deemed necessary or desirable by the tribe or by the Secretary in connection with the termination of Federal supervision as provided for in this Act; and

(5) cause a plan to be prepared in form and content satisfactory to the tribe and to the Secretary for the management of tribal property through a trustee, corporation, or other legal entity.

(b) Such amounts of Klamath tribal funds as may be required for the purposes of this section shall be available for expenditure by the Secretary: *Provided*, That the expenses incident to the sale of property and the distribution of proceeds of sale pursuant to paragraph (3) of this subsection shall be charged exclusively to the interests of the members who withdraw from the tribe, and the expenses incurred under paragraphs (4) and (5) of this subsection shall be charged exclusively to the interests of the members who remain in the tribe, and all other expenses under this section shall be charged to the interests of both groups of members.

Expenditures authorized.

SEC. 6. (a) The Secretary is authorized and directed to execute any conveyancing instrument that is necessary or appropriate to convey title to tribal property to be sold in accordance with the provisions of paragraph (3) of subsection (a) of section 5 of this Act, and to transfer title to all other tribal property to a trustee, corporation, or other legal entity in accordance with the plan prepared pursuant to paragraph (5) of subsection (a) of section 5 of this Act.

Tribal property. Transfer procedure.

(b) It is the intention of the Congress that all of the actions required by sections 5 and 6 of this Act shall be completed at the earliest practicable time and in no event later than four years from the date of this Act.

Completion date.

Non-members of tribe. Claims.	(c) Members of the tribe who receive the money value of their interests in tribal property shall thereupon cease to be members of the tribe: <i>Provided</i> , That nothing shall prevent them from sharing in the proceeds of tribal claims against the United States.
Per capita payments.	SEC. 7. The Secretary is authorized and directed, as soon as practicable after the passage of this Act, to pay from such funds as are deposited to the credit of the tribe in the Treasury of the United States, \$250 to each member of the tribe on the rolls of the tribe on the date of this Act. Any other person whose application for enrollment on the rolls of the tribe is subsequently approved, pursuant to the terms of section 3 hereof, shall, after enrollment, be paid a like sum of \$250: <i>Provided</i> , That such payments shall be made first from the capital reserve fund created by the Act of August 28, 1937 (25 U. S. C., Sec. 530).
50 Stat. 872.	
Property of individuals.	SEC. 8. (a) The Secretary is authorized and directed to transfer within four years from the date of this Act to each member of the tribe unrestricted control of funds or other personal property held in trust for such member by the United States.
Sales restrictions, etc. Removal.	(b) All restrictions on the sale or encumbrance of trust or restricted land owned by members of the tribe (including allottees, heirs, and devisees, either adult or minor) are hereby removed four years after the date of this Act, and the patents or deeds under which titles are then held shall pass the titles in fee simple, subject to any valid encumbrances: <i>Provided</i> , That the provisions of this subsection shall not apply to subsurface rights in such lands, and the Secretary is directed to transfer such subsurface rights to one or more trustees designated by him for management for a period not less than ten years. The titles to all interests in trust or restricted land acquired by members of the tribe by devise or inheritance four years or more after the date of this Act shall vest in such members in fee simple, subject to any valid encumbrance.
Subsurface rights.	
Land owned by more than one.	(c) Prior to the time provided in subsection (b) of this section for the removal of restrictions on land owned by more than one member of a tribe, the Secretary may—
Partition.	(1) upon request of any of the owners, partition the land and issue to each owner a patent or deed for his individual share that shall become unrestricted four years from the date of this Act;
Sale.	(2) upon request of any of the owners, and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold at not less than the appraised value thereof and distribute the proceeds of sale to the owners: <i>Provided</i> , That any one or more of the owners may elect before a sale to purchase the other interests in the land at not less than the appraised value thereof, and the purchaser shall receive an unrestricted patent or deed to the land; and
Election to purchase.	(3) if the whereabouts of none of the owners can be ascertained, cause such lands to be sold and deposit the proceeds of sale in the Treasury of the United States for safekeeping.
Unlocated owners. Deposit of proceeds.	(d) The Secretary is hereby authorized to approve—
Approval of tribal exchanges, etc.	(1) the exchange of trust or restricted land between the tribe and any of its members;
	(2) the sale by the tribe of tribal property to individual members of the tribe; and
	(3) the exchange of tribal property for real property in fee status. Title to all real property included in any sale or exchange as provided in this subsection shall be conveyed in fee simple.
Deceased members. 25 USC 373.	SEC. 9. (a) The Act of June 25, 1910 (36 Stat. 855), the Act of February 14, 1913 (37 Stat. 678), and other Acts amendatory thereto shall not apply to the probate of the trust and restricted property of

the members of the tribe who die six months or more after the date of this Act.

(b) The laws of the several States, Territories, possessions, and the District of Columbia with respect to the probate of wills, the determination of heirs, and the administration of decedents' estates shall apply to the individual property of members of the tribe who die six months or more after the date of this Act.

Probate of wills,
etc.

(c) Section 5 of the Act of June 1, 1938 (52 Stat. 605), is hereby repealed.

Repeal.
25 USC 555.

SEC. 10. The Secretary is authorized, in his discretion, to transfer to the tribe or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribe which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribe will derive benefit.

Federal property
disposal.

SEC. 11. No property distributed under the provisions of this Act shall at the time of distribution be subject to Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the individual, corporation, or other legal entity shall be subject to the same taxes, State and Federal, as in the case of non-Indians: *Provided*, That, for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation or other legal entity.

Taxes.

SEC. 12. Sections 2, 3, 4, 5, and 6 of the Act of August 28, 1937 (50 Stat. 872, 873), and section 2 (a) of the Act of August 7, 1939 (53 Stat. 1253), are repealed effective on the date of the transfer of title to tribal property to a trustee, corporation, or other legal entity pursuant to section 6 of this Act. All loans made from the reimbursable loan fund established by section 2 of the Act of August 28, 1937 (50 Stat. 872), and all other loans made from Klamath tribal funds, including loans of livestock made by the tribe repayable in kind, shall be transferred to the tribe for collection in accordance with the terms thereof.

Repeals.
25 USC 531-535.
25 USC 542(a).

Loan transfer.
25 USC 531.

SEC. 13. (a) That part of section 5 of the Act of August 13, 1914 (35 Stat. 687; 43 U. S. C. 499), which relates to the transfer of the care, operation, and maintenance of reclamation works to water users associations or irrigation districts shall be applicable to the irrigation works on the Klamath Reservation.

Klamath Reser-
vation irrigation
works,
38 Stat. 687.

(b) Effective on the first day of the calendar year beginning after the date of the proclamation provided for in section 18 of this Act, the deferment of the assessment and collection of construction costs provided for in the first proviso of the Act of July 1, 1932 (47 Stat. 564; 25 U. S. C. 386a), shall terminate with respect to any lands within irrigation projects on the Klamath Reservation. The Secretary shall cause the first lien against such lands created by the Act of March 7, 1928 (45 Stat. 200, 210), to be filed of record in the appropriate county office.

Klamath Reser-
vation irrigation
projects.
Construction
costs, etc.

(c) There is hereby authorized to be appropriated out of any funds in the Treasury not otherwise appropriated the sum of \$89,212 for payment to the Klamath Tribe with interest at 4 per centum annually as reimbursement for tribal funds used for irrigation construction operation and maintenance benefiting nontribal lands on the Klamath Reservation, such interest being computed from the dates of disbursement of such funds from the United States Treasury.

Reimbursement.

(d) The Secretary is authorized to adjust, eliminate, or cancel all or any part of reimbursable irrigation operation and maintenance costs and reimbursable irrigation construction costs chargeable against Indian owned lands that are subject to the provisions of this Act,

and all or any part of assessments heretofore or hereafter imposed on account of such costs, when he determines that the collection thereof would be inequitable or would result in undue hardship on the Indian owner of the land, or that the administrative costs of collection would probably equal or exceed the amount collected.

(e) Nothing contained in any other section of this Act shall affect in any way the laws applicable to irrigation projects on the Klamath Reservation.

Water rights.

SEC. 14. (a) Nothing in this Act shall abrogate any water rights of the tribe and its members, and the laws of the State of Oregon with respect to the abandonment of water rights by nonuse shall not apply to the tribe and its members until fifteen years after the date of the proclamation issued pursuant to section 18 of this Act.

Fishing rights.

(b) Nothing in this Act shall abrogate any fishing rights or privileges of the tribe or the members thereof enjoyed under Federal treaty.

Guardians for minors, etc.

SEC. 15. Prior to the transfer of title to, or the removal of restrictions from, property in accordance with the provisions of this Act, the Secretary shall protect the rights of members of the tribe who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate.

Advances.

SEC. 16. Pending the completion of the property dispositions provided for in this Act, the funds now on deposit, or hereafter deposited, in the United States Treasury to the credit of the tribe shall be available for advance to the tribe, or for expenditure, for such purposes as may be designated by the governing body of the tribe and approved by the Secretary.

Patents, deeds, etc.

SEC. 17. The Secretary shall have authority to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments as may be necessary or appropriate to carry out the provisions of this Act, or to establish a marketable and recordable title to any property disposed of pursuant to this Act.

Federal trust termination.
Publication in FR.

SEC. 18. (a) Upon removal of Federal restrictions on the property of the tribe and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to the affairs of the tribe and its members has terminated. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians and, except as otherwise provided in this Act, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

Citizenship status.

(b) Nothing in this Act shall affect the status of the members of the tribe as citizens of the United States.

Termination of powers.

SEC. 19. Effective on the date of the proclamation provided for in section 18 of this Act, all powers of the Secretary or other officer of the United States to take, review, or approve any action under the constitution and bylaws of the tribe are hereby terminated. Any powers conferred upon the tribe by such constitution which are inconsistent with the provisions of this Act are hereby terminated. Such

termination shall not affect the power of the tribe to take any action under its constitution and bylaws that is consistent with this Act without the participation of the Secretary or other officer of the United States.

SEC. 20. The Secretary is authorized to set off against any indebtedness payable to the tribe or to the United States by an individual member of the tribe or payable to the United States by the tribe, any funds payable to such individual or tribe under this Act and to deposit the amounts set off to the credit of the tribe or the United States as the case may be.

Individual indebtedness.
Use of payment.

SEC. 21. Nothing contained in this Act shall deprive the tribe or its constituent parts of any right, privilege, or benefit granted by the Act of August 13, 1946 (60 Stat. 1049).

25 USC 70-70v.

SEC. 22. Nothing in this Act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved. Whenever any such instrument places in or reserves to the Secretary any powers, duties, or other functions with respect to the property subject thereto, the Secretary may transfer such functions, in whole or in part, to any Federal agency with the consent of such agency and may transfer such functions, in whole or in part to a State agency with the consent of such agency and the other party or parties to such instrument.

Valid lease permit, etc.
Transfer of powers, etc.

SEC. 23. The Secretary is authorized to issue rules or regulations necessary to effectuate the purposes of this Act, and may in his discretion provide for tribal referenda on matters pertaining to management or disposition of tribal assets.

Rules and regulations.

SEC. 24. All Acts or parts of Acts inconsistent with this Act are hereby repealed insofar as they affect the tribe or its members. Effective on the first day of the fiscal year beginning after the date of the proclamation provided for in section 18 of this Act, section 2 of the Act of August 19, 1949 (63 Stat. 621, ch. 468) shall become inapplicable to the unrecouped balance of funds expended in cooperation with the school board of Klamath County, Oregon, pursuant to said Act.

Repeals.

Klamath County, Ore., school board.

SEC. 25. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Separability.

SEC. 26. Prior to the issuance of a proclamation in accordance with the provisions of section 18 of this Act, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

Education, etc.

Approved August 13, 1954.

Public Law 588

CHAPTER 733

AN ACT

August 13, 1954
[S. 2746]

To provide for the termination of Federal supervision over the property of certain tribes and bands of Indians located in western Oregon and the individual members thereof, and for other purposes.

Oregon Indians.
Termination of
Federal super-
vision.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to provide for the termination of Federal supervision over the trust and restricted property of certain tribes and bands of Indians located in western Oregon and the individual members thereof, for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of such Indians, and for a termination of Federal services furnished such Indians because of their status as Indians.

Definitions.

SEC. 2. For the purposes of this Act:

(a) "Tribe" means any of the tribes, bands, groups, or communities of Indians located west of the Cascade Mountains in Oregon, including the following: Confederated Tribes of the Grand Ronde Community, Confederated Tribes of Siletz Indians, Alsea, Applegate Creek, Calapooya, Chaftan, Chempho, Chetco, Chetlesington, Chinook, Clackamas, Clatskanie, Clatsop, Clowwewalla, Coos, Cow Creek, Eucheas, Galic Creek, Grave, Joshua, Karok, Kathlamet, Kusotony, Kwatami or Sixes, Lakmiut, Long Tom Creek, Lower Coquille, Lower Umpqua, Maddy, Mackanotin, Mary's River, Multnomah, Munsel Creek, Naltunnetunne, Nehalem, Nestucca, Northern Molalla, Port Orford, Puding River, Rogue River, Salmon River, Santiam, Scoton, Shasta, Shasta Costa, Siletz, Siuslaw, Skiloot, Southern Molalla, Takelma, Tillamook, Tolowa, Tualatin, Tututui, Upper Coquille, Upper Umpqua, Willamette Tumwater, Yamhill, Yaquina, and Yoncalla;

(b) "Secretary" means the Secretary of the Interior.

(c) "Lands" means real property, interest therein, or improvements thereon, and includes water rights.

(d) "Tribal property" means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribe and either is held by the United States in trust for the tribe or is subject to a restriction against alienation imposed by the United States.

Tribal lists.
Publication in
FR.

Proposed rolls.
Publication in
FR.

Appeals.

SEC. 3. Within ninety days after the date of this Act, the Secretary shall publish in the Federal Register (1) a list of those tribes for which membership rolls will be required for the purposes of this Act, and (2) a list of those tribes for which no membership rolls will be required for the purposes of this Act. Each tribe on each list shall have a period of six months from the date of publication of the notice in which to prepare and submit to the Secretary a proposed roll of the members of the tribe living on the date of this Act, which shall be published in the Federal Register. In the absence of applicable law, or eligibility requirements in an approved constitution, bylaws, or membership ordinance, eligibility for enrollment shall be determined under such rules and regulations as the Secretary may prescribe. No person shall be enrolled on more than one tribal roll prepared pursuant to this Act. If a tribe on list one fails to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribe, which shall be published in the Federal Register. Any person claiming membership rights in the tribe or an interest in its assets, or a representative of the Secretary on behalf of any such person, may, within ninety days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll.

The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals the roll of the tribe shall be published in the Federal Register and such roll shall be final for the purposes of this Act.

Final roll.
Publication in
FR.

SEC. 4. Upon publication in the Federal Register of the final roll as provided in section 3 of this Act, the rights or beneficial interests in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 5 of this Act without the approval of the Secretary. Any contract made in violation of this section shall be null and void.

Personal prop-
erty rights.

SEC. 5. (a) Upon request of a tribe, the Secretary is authorized within two years from the date of this Act to transfer to a corporation or other legal entity organized by the tribe in a form satisfactory to the Secretary title to all or any part of the tribal property, real and personal, or to transfer to one or more trustees designated by the tribe and approved by the Secretary, title to all or any part of such property to be held in trust for management or liquidation purposes under such terms and conditions as may be specified by the tribe and approved by the Secretary, or to sell all or any part of such property and make a pro rata distribution of the proceeds of sale among the members of the tribe after deducting, in his discretion, reasonable costs of sale and distribution.

Tribal property.
Procedure for
transfer.

(b) Title to any tribal property that is not transferred in accordance with the provisions of subsection (a) of this section shall be transferred by the Secretary to one or more trustees designated by him for the liquidation and distribution of assets among the members of the tribe under such terms and conditions as the Secretary may prescribe: *Provided*, That the trust agreement shall provide for the termination of the trust not more than three years from the date of such transfer unless the term of the trust is extended by order of a judge of a court of record designated in the trust agreement: *Provided further*, That the trust agreement shall provide that at any time before the sale of tribal property by the trustees the tribe may notify the trustees that it elects to retain such property and to transfer title thereto to a corporation, other legal entity, or trustee in accordance with the provisions of subsection (a) of this section, and that the trustees shall transfer title to such property in accordance with the notice from the tribe if it is approved by the Secretary.

(c) The Secretary shall not approve any form of organization pursuant to subsection (a) of this section that provides for the transfer of stock or an undivided share in corporate assets as compensation for the services of agents or attorneys unless such transfer is based upon an appraisal of tribal assets that is satisfactory to the Secretary.

Agents or at-
torneys.

(d) When approving or disapproving the selection of trustees in accordance with the provisions of subsection (a) of this section, and when designating trustees pursuant to subsection (b) of this section, the Secretary shall give due regard to the laws of the State of Oregon that relate to the selection of trustees.

Trustees.

SEC. 6. (a) The Secretary is authorized and directed to transfer within two years after the date of this Act to each member of each tribe unrestricted control of funds or other personal property held in trust for such member by the United States.

Property of in-
dividuals.

(b) All restrictions on the sale or encumbrance of trust or restricted land owned by members of the tribes (including allottees, purchasers, heirs, and devisees, either adult or minor) are hereby removed two years after the date of this Act and the patents or deeds under which titles are then held shall pass the titles in fee simple, subject to any

Trust restric-
tions, etc.
Removal.

valid encumbrance. The titles to all interests in trust or restricted land acquired by members of the tribes by devise or inheritance two years or more after the date of this Act shall vest in such members in fee simple, subject to any valid encumbrance.

(c) Prior to the time provided in subsection (d) of this section for the removal of restrictions on land owned by more than one member of a tribe, the Secretary may—

Land partition.

(1) upon request of any of the owners, partition the land and issue to each owner a patent or deed for his individual share that shall become unrestricted two years from the date of this Act;

Sale.

(2) upon request of any of the owners and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold at not less than the appraised value thereof and distribute the proceeds of sale to the owners: *Provided*, That any one or more of the owners may elect before a sale to purchase the other interests in the land at not less than the appraised value thereof, and the purchaser shall receive an unrestricted patent or deed to the land; and

Unlocated owners.
Deposit of proceeds.

(3) if the whereabouts of none of the owners can be ascertained, cause such lands to be sold and deposit the proceeds of sale in the Treasury of the United States for safekeeping.

25 USC 373.
Deceased members.

SEC. 7. (a) The Act of June 25, 1910 (36 Stat. 855), the Act of February 14, 1913 (37 Stat. 678), and other Acts amendatory thereto shall not apply to the probate of the trust and restricted property of the members of the tribes who die six months or more after the date of this Act.

Probate of will,
etc.

(b) The laws of the several States, Territories, possessions, and the District of Columbia with respect to the probate of wills, the determination of heirs, and the administration of decedents' estates shall apply to the individual property of members of the tribes who die six months or more after the date of this Act.

Federal land
transfer.

SEC. 8. The Secretary is authorized, in his discretion, to transfer to any tribe or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribes subject to this Act which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribes will derive benefits.

Taxes.

SEC. 9. No property distributed under the provisions of this Act shall at the time of distribution be subject to Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the individual, corporation, or other legal entity shall be subject to the same taxes, State and Federal, as in the case of non-Indians: *Provided*, That for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.

Guardians of
minors, etc.

SEC. 10. Prior to the transfer of title to, or the removal of restrictions from, property in accordance with the provisions of this Act, the Secretary shall protect the rights of members of the tribes who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate.

Advances.

SEC. 11. Pending the completion of the property dispositions provided in this Act, the funds now on deposit, or hereafter deposited in the Treasury of the United States to the credit of a tribe shall be available for advance to the tribe, or for expenditure, for such purposes

as may be designated by the governing body of the tribe and approved by the Secretary.

SEC. 12. The Secretary shall have authority to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments as may be necessary or appropriate to carry out the provisions of this Act, or to establish a marketable and recordable title to any property disposed of pursuant to this Act.

Patents, deeds,
etc.

SEC. 13. (a) Upon removal of Federal restrictions on the property of each tribe and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to the affairs of the tribe and its members has terminated. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians, excluding statutes that specifically refer to the tribe and its members, shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

Federal trust
termination pro-
clamation.
Publication in
FR.

(b) Nothing in this Act shall affect the status of the members of a tribe as citizens of the United States.

Citizenship sta-
tus.
Training, etc.

(c) Prior to the issuance of a proclamation in accordance with the provisions of this section, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 14. (a) Effective on the date of the proclamation provided for in section 13 of this Act, the corporate charter of the Confederated Tribes of the Grand Ronde Community, Oregon, issued pursuant to the Act of June 18, 1934 (48 Stat. 984), as amended, and ratified by the Community on August 22, 1936, is hereby revoked.

Revocation of
charter.

25 USC 461-479.

(b) Effective on the date of the proclamation provided for in section 13 of this Act, all powers of the Secretary or other officer of the United States to take, review, or approve any action under the constitution and bylaws of the tribe are hereby terminated. Any powers conferred upon the tribe by such constitution which are inconsistent with the provisions of the Act are hereby terminated. Such termination shall not affect the power of the tribe to take any action under its constitution and bylaws that is consistent with this Act without the participation of the Secretary or other officer of the United States.

Termination of
powers.

SEC. 15. The Secretary is authorized to set off against any indebtedness payable to the tribe or to the United States by an individual member of the tribe, or payable to the United States by the tribe, any funds payable to such individual or tribe under this Act and to deposit the amount set off to the credit of the tribe or the United States as the case may be.

Individual in-
debtedness.
Use of payment.

SEC. 16. Nothing in this Act shall affect any claim heretofore filed against the United States by any tribe.

Claims against
U. S.

- Leases, etc.** SEC. 17. Nothing in this Act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved. Whenever any such instrument places in or reserves to the Secretary any powers, duties, or other functions with respect to the property subject thereto, the Secretary may transfer such functions, in whole or in part, to any Federal agency with the consent of such agency.
- Rules and regulations.** SEC. 18. The Secretary is authorized to issue rules and regulations necessary to effectuate the purposes of this Act, and may in his discretion provide for tribal referenda on matters pertaining to management or disposition of tribal assets.
- Repeals.** SEC. 19. All Acts or parts of Acts inconsistent with this Act are hereby repealed insofar as they affect a tribe or its members. The Act of June 18, 1934 (48 Stat. 948), as amended by the Act of June 15, 1935 (49 Stat. 378), shall not apply to a tribe and its members after the date of the proclamation provided for in section 13 of this Act.
- 48 Stat. 984.
25 USC 461-479.**
- Separability.** SEC. 20. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.
- Approved August 13, 1954.

Public Law 589

CHAPTER 734

August 13, 1954
[H. R. 2098]

AN ACT

To provide for the compensation of certain persons whose lands have been flooded and damaged by reason of fluctuations in the water level of the Lake of the Woods.

Lake of the
Woods, Minn.
Water level dam-
ages.

44 Stat. 2108.

Report to Con-
gress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to investigate, as soon as practicable, all claims filed within six months from the date of the enactment of this Act for losses and damages caused after August 26, 1937, to inhabitants of the United States by fluctuations in the water level of the Lake of the Woods due to artificial obstructions placed in the outlets of such lake pursuant to the convention (signed at Washington on February 24, 1925) between the Governments of the United States and Great Britain providing for the regulation of the level of such lake.

SEC. 2. The Secretary of the Army, after due notice and opportunity for hearing, shall ascertain and determine the loss or damage, if any, that may have been sustained by the respective claimants, and to report to the Congress for its consideration the amount or amounts which he finds to be equitably due such claimants, together with a statement in each case of the substantial facts upon which the conclusion is based. The amounts found to be due the respective claimants for such loss or damage may be based upon any flooding exceeding elevation one thousand and sixty-four sea-level datum, and upon any flooding between elevations one thousand sixty-two and five-tenths and one thousand and sixty-four sea-level datum unaffected by winds, as provided in the convention (signed at Washington on February 24, 1925) between the Governments of the United States and Great Britain providing for the regulation of the level of such lake.

Approved August 13, 1954.

Public Law 590

CHAPTER 735

AN ACT

To amend the Communications Act of 1934 in order to make certain provision for the carrying out of the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio.

August 13, 1954
[S. 3464]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Communications Act of 1934, as amended, is amended by inserting after paragraph (dd) the following:

“(ee) ‘Great Lakes Agreement’ means the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio in force and the regulations referred to therein.”

SEC. 2. (a) The first sentence of section 4 (f) (3) of such Act is amended to read as follows: “The Commission shall fix a reasonable rate of extra compensation for overtime services of engineers in charge and radio engineers of the Field Engineering and Monitoring Bureau of the Federal Communications Commission, who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sundays or holidays to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of part II of title III of this Act or the Great Lakes Agreement, on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime exceeds beyond 5 o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and two additional days' pay for Sunday or holiday duty.”

(b) The last proviso of such section 4 (f) (3) is amended by striking out “inspectors” wherever it appears therein and inserting in lieu thereof “engineers”.

SEC. 3. Title V of such Act is amended by inserting after section 506 a new section reading as follows:

“VIOLATION OF GREAT LAKES AGREEMENT

“SEC. 507. (a) Any vessel of the United States that is navigated in violation of the provisions of the Great Lakes Agreement or the rules and regulations of the Commission made in pursuance thereof and any vessel of a foreign country that is so navigated on waters under the jurisdiction of the United States shall forfeit to the United States the sum of \$500 recoverable by way of suit or libel. Each day during which such navigation occurs shall constitute a separate offense.

“(b) Every willful failure on the part of the master of a vessel of the United States to enforce or to comply with the provisions of the Great Lakes Agreement or the rules and regulations of the Commission made in pursuance thereof shall cause him to forfeit to the United States the sum of \$100.”

SEC. 4. Section 504 (b) of such Act is amended by deleting “title III, part II” and inserting in lieu thereof “part II of title III and section 507”.

SEC. 5. Section 602 (e) of such Act is amended to read as follows:

“(e) The Act entitled ‘An Act to require apparatus and operators for radio communication on certain ocean steamers’, approved June 24, 1910, as amended, is hereby repealed.”

SEC. 6. This Act shall take effect on November 13, 1954.

Approved August 13, 1954.

Great Lakes.
Safety by radio.
48 Stat. 1065.
47 USC 153.
TIAS 2666.

55 Stat. 46; 66
Stat. 711.
47 USC 154(f).
Overtime compensation.
Engineers.

48 Stat. 1070.
47 USC 351-362.

47 USC 154(f).

60 Stat. 89.
47 USC 506.

48 Stat. 1101.
47 USC 504(b).

Repeal.

36 Stat. 629.
46 USC 484-487.
Effective date.

Public Law 591

CHAPTER 736

August 16, 1954
[H. R. 8300]

AN ACT

To revise the internal revenue laws of the United States.

[This Act, known as the Internal Revenue Code of 1954, is printed as Volume 68A of the United States Statutes at Large.]

Public Law 592

CHAPTER 737

August 16, 1954
[H. R. 9077]

AN ACT

To amend section 405 of the District of Columbia Law Enforcement Act of 1953, to make available to the judges of such District the psychiatric and psychological services provided for in such section.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 405 of the District of Columbia Law Enforcement Act of 1953 is amended by striking "(1) The probation officers" and inserting in lieu thereof "(1) In criminal cases, the judges of the district court and the probation officers".

Approved August 16, 1954.

Public Law 593

CHAPTER 738

August 16, 1954
[S. 2389]

AN ACT

To amend the Act of December 3, 1942.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of December 3, 1942 (56 Stat. 1038; 33 U. S. C. 855a), is amended to read as follows:

"Commissioned officers of the Coast and Geodetic Survey who, in time of war or national emergency declared by the President, are assigned to duty on projects for the military departments in areas determined by the Secretary of Defense to be of immediate military hazard, shall, while on such duty, be entitled to the rights and benefits provided by law for officers of the Coast and Geodetic Survey who are actually transferred to the service of the military departments: *Provided*, That the benefits of this section shall be applicable also to commissioned officers of the Coast and Geodetic Survey serving in the Philippine Islands on December 7, 1941."

Approved August 16, 1954.

Public Law 594

CHAPTER 739

August 16, 1954
[S. 3506]

AN ACT

To repeal the Act approved September 25, 1914, and to amend the Act approved June 12, 1934, both relating to alley dwellings in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia", approved September 25, 1914 (38 Stat. 716), as amended (secs. 5-101, 102, D. C. Code, 1951 edition), is hereby repealed.

SEC. 2. Subsections (b), (c), and (d) of section 4 of the Act entitled "An Act to provide for the discontinuance of the use as dwellings of buildings situated in alleys in the District of Columbia, and for the replatting and development of squares containing inhabited alleys, in the interest of public health, comfort, morals, safety, and welfare, and for other purposes", approved June 12, 1934 (48 Stat. 932), as amended (sec. 5-106, D. C. Code, 1951 edition), are hereby repealed.

SEC. 3. This Act shall take effect sixty days after approval or July 1, 1955, whichever is earlier.

Approved August 16, 1954.

Effective date.

Public Law 595

CHAPTER 740

AN ACT

To amend the Tariff Act of 1930, so as to modify the duty on the importation of wood dowels, and for other purposes.

August 16, 1954
[H. R. 2763]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 401 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1001, par. 401) is amended by changing the comma after "\$1 per thousand feet, board measure" to a semicolon and inserting thereafter the words "dowels, if of fir, spruce, pine, hemlock, or larch, 25 cents per thousand feet, board measure;"

Wood dowels.
Import duty.
46 Stat. 629.

SEC. 2. Paragraph 1803 of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1201, par. 1803) is amended by inserting "dowels;" in subparagraph (1) between "grooved;" and "all the foregoing".

46 Stat. 683.

SEC. 3. Section 3424 of the Internal Revenue Code, as amended (U. S. C., 1946 edition, Supp. V, title 26, sec. 3424), is further amended by inserting after "board measure;" the following language "dowels made of fir, spruce, pine, hemlock, larch, or cedar (except cedar commercially known as Spanish cedar), 75 cents per thousand feet, board measure; dowels made of Japanese maple, Japanese white oak, teak, box, ebony, lancewood, or lignum vitae, \$3 per thousand feet, board measure; dowels made of other wood, \$1.50 per thousand feet, board measure;"

53 Stat. 415.

SEC. 4. These amendments shall be effective as to dowels entered, or withdrawn from warehouse, for consumption on or after the day following the date of the enactment of this Act and shall apply also to any dowels entered or withdrawn before that day with respect to which the liquidation of the entry or withdrawal has not become final by reason of section 514, Tariff Act of 1930.

Effectivity.

SEC. 5. Paragraph 1615 (a) of the Tariff Act of 1930 is amended by inserting before the period at the end thereof a semicolon and the following: "and articles, previously imported, with respect to which the duty was paid upon such previous importation, if (1) reimported, without having been advanced in value or improved in condition by any process of manufacture or other means, after having been exported under lease to a foreign manufacturer, and (2) reimported by or for the account of the person who imported them into, and exported them from, the United States".

46 Stat. 734.
19 USC 1514.
Duty-free re-
imports.
52 Stat. 1092.
19 USC 1201 par.
1615.

SEC. 6. The amendment made by this Act shall be effective as to articles entered for consumption or withdrawn from warehouse for consumption on or after the date of enactment of this Act.

Effective date.

Approved August 16, 1954.

Public Law 596

CHAPTER 741

August 16, 1954
[S. 1585]

AN ACT

To amend the District of Columbia Traffic Act, 1925, as amended.

D. C. Traffic
Act, 1925, amend-
ments.
Operator's per-
mit,
62 Stat. 173.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (43 Stat. 1121), as amended (sec. 40-301 (a) (1), D. C. Code, 1951 edition), is amended (a) by striking from the first sentence thereof so much as reads "Upon application made under oath and the payment of the fee hereinafter prescribed, the Commissioners or their designated agent shall issue a motor vehicle operator's permit to any individual" and inserting in lieu thereof "The Commissioners or their designated agent shall, upon application, the payment of a fee of \$3, and compliance with such regulations as the Commissioners or their designated agent may prescribe, issue a motor vehicle operator's permit valid for a period not in excess of three years, to any individual sixteen years of age or over"; (b) by inserting in the second sentence thereof after "give a practical demonstration" the following "or produce evidence acceptable to the Commissioners or their designated agent"; (c) by striking from the second sentence thereof so much as reads "and in the presence of such individuals as may be authorized to conduct the demonstration"; (d) by striking therefrom the fourth, fifth, and sixth sentences; and (e) by striking from the last sentence thereof the colon and proviso, and inserting in lieu thereof "and not for compensation."

62 Stat. 173.

SEC. 2. Paragraph (2) of subsection (a) of section 7 of such Act (43 Stat. 1121), as amended (sec. 40-301 (a) (2), D. C. Code, 1951 edition), is amended to read as follows:

Learner's permit.

"(2) The Commissioners or their designated agent may, upon application and the payment of a fee of \$1, issue a learner's permit, valid for a period of sixty days, to any applicant for a motor vehicle operator's permit, sixteen years of age or over, who has successfully passed all parts of the examination other than the driving demonstration test. Such permit shall entitle the permittee, while having such permit in his immediate possession, to operate a passenger motor vehicle, used solely for purposes of pleasure and not for compensation, when accompanied by the holder of a valid District motor vehicle operator's permit who is occupying a seat beside such permittee."

SEC. 3. Subsection (a) of section 7 of such Act (43 Stat. 1121), as amended (sec. 40-301 (a), D. C. Code, 1951 edition), is amended by adding at the end thereof a new paragraph to read as follows:

Military duty out-
side D. C.
Permit exten-
sion.

"(6) Notwithstanding the provisions of this subsection, the Commissioners or their designated agent may, upon compliance with such regulations as they or their designated agent may prescribe, extend for a period not in excess of six years the validity of the operator's permit of any person who is a resident of the District and who is on active duty outside the District in the Armed Forces or the Merchant Marine of the United States and who was at the time of leaving the District the holder of a valid operator's permit."

SEC. 4. Subsection (b) of section 7 of such Act (43 Stat. 1122), as amended (sec. 40-301 (b), D. C. Code, 1951 edition), is amended to read:

Contents of per-
mit.

"(b) Each operator's permit shall state the name and address of the permittee, together with such other matter as the Commissioners or their designated agent may by regulation prescribe, and shall bear the signature of the permittee."

Repeal.

SEC. 5. Subsection (d) of section 7 of such Act (43 Stat. 1122), as amended (sec. 40-301 (d), D. C. Code, 1951 edition), is repealed, and

subsections (e) and (f) of section 7 of such Act, as amended, are redesignated subsections (d) and (e), respectively.

SEC. 6. Subsection (a) of section 8 of such Act (43 Stat. 1123), as amended (sec. 40-303 (a), D. C. Code, 1951 edition), is amended to read as follows:

“(a) The owner or operator of any motor vehicle who is not a legal resident of the District, and who has complied with the laws of any State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof, in respect of the registration of motor vehicles and the licensing of operators thereof, shall, subject to the provisions of this section, be exempt from compliance with section 7 and with any provision of law or regulation requiring the registration of motor vehicles or the display of identification tags in the District. Such exemption shall cover the period immediately following the entrance of such owner or operator into the District equal to the period for which the Commissioners or their designated agent have previously found that a similar privilege is extended to legal residents of the District by such State, Territory, or possession of the United States, or foreign country or political subdivision thereof. The Commissioners or their designated agent shall from time to time ascertain such privileges and cause their or his findings to be promulgated. When the laws of any State, Territory, or possession of the United States or of a foreign country or of a political subdivision thereof contain a reciprocity provision similar to that hereinabove set forth, or the privilege extended to a legal resident of the District is for the remaining portion of the current District of Columbia registration year, then the owner of any motor vehicle who is a legal resident of such State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof shall comply with the provisions of section 7 of this Act and with every other provision of law or regulation requiring the registration of motor vehicles and the display of identification tags in the District at the time of the expiration of the current motor vehicle registration issued to such owner by such State, Territory, or possession of the United States or a foreign country or political subdivision thereof, unless the Commissioners or their designated agent shall have entered into a reciprocal agreement or arrangement with the duly authorized representatives of such State, Territory, or possession of the United States or a foreign country or political subdivision thereof, further to limit or to extend the period of time during which the validity of the motor vehicle registration and identification tags of such State, Territory, or possession of the United States or foreign country or political subdivision thereof shall be recognized by the District. The Commissioners or their designated agent are hereby authorized and empowered to enter into reciprocal agreements and arrangements as aforesaid. The following persons shall, with respect to the registration of motor vehicles and the licensing of operators thereof, if they have complied with the laws of the State, Territory, or possession from which they have been elected or appointed, or of which they are legal residents, be exempt during their respective terms of office or during the period of their employment as administrative employees from compliance with section 7 and with any other provision of law or regulation requiring the registration of motor vehicles and the display of identification tags in the District: Senators and Representatives in Congress; Delegates to Congress; Resident Commissioners; administrative employees of Senators, Representatives, Delegates, and Resident Commissioners who are legal residents of the State, Territory, or possession from which said Senators, Representatives, Delegates, and Resident Commissioners have been elected or appointed; and

Nonresidents.
Exemption from
registration, etc.

Period of ex-
emption.
Reciprocal
agreements.

Congressmen,
etc.

officers of the executive branch of the Government of the United States who are not domiciled within the District of Columbia, whose appointment to the office held by them was by the President of the United States, subject to confirmation by the Senate, and whose tenure of office is at the pleasure of the President."

Flight from
scene of accident.

SEC. 7. Subsection (b) of section 10 of such Act (43 Stat. 1124), as amended (sec. 40-609 (b), D. C. Code, 1951 edition), is amended by striking the third sentence thereof.

SEC. 8. Section 10 of such Act (43 Stat. 1124), as amended (sec. 40-609, D. C. Code, 1951 edition), is amended by adding two new subsections "(d)" and "(e)", to read as follows:

Revocation of
operator's permit,
etc.

"(d) The Commissioners or their designated agent shall revoke the operator's permit or the privilege to drive a motor vehicle in the District of Columbia, or revoke both such permit and privilege, of any person who is convicted in the District of any of the following offenses:

"(1) Operating a motor vehicle while under the influence of any intoxicating liquor or narcotic drug.

"(2) Any homicide committed by means of a motor vehicle.

"(3) Leaving the scene of an accident in which the motor vehicle driven by him was involved and in which there is bodily injury, without giving assistance or making known his identity and address and the identity and address of the owner of said vehicle.

"(4) Reckless driving involving bodily injury.

"(5) Any felony in the commission of which a motor vehicle is involved.

"(e) Whenever a judgment of conviction of any offense set forth in subsection (d) has become final, the clerk of the court in which the judgment was entered shall certify such conviction to the Commissioners or their designated agent, who shall thereupon take the action required by subsection (d) of this section. A judgment of conviction shall be deemed to have become final for the purposes of this subsection—

"(1) if no appeal is taken from the judgment, upon the expiration of the time within which an appeal could have been taken, or

"(2) if an appeal is taken from the judgment, the date upon which the judgment, having been sustained, can no longer be appealed from or reviewed on a writ of certiorari."

Effective date.

SEC. 9. This Act shall become effective thirty days after its enactment.

Approved August 16, 1954.

Public Law 597

CHAPTER 751

AN ACT

August 17, 1954
[S. 3137]

To make the provisions of the Act of August 28, 1937, relating to the conservation of water resources in the arid and semiarid areas of the United States, applicable to the entire United States, and to increase and revise the limitation on aid available under the provisions of the said Act, and for other purposes.

Water facility
loans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937 (50 Stat. 869), is amended—

16 USC 590r-
590x.
16 USC 590r.

(1) By deleting the phrase "in the arid and semiarid areas of the United States" from the first sentence in the first section;

(2) By deleting the phrase "in the arid and semiarid areas of the United States" in the last sentence of the first section and inserting in lieu thereof the following: "in the United States, including the Territories of Alaska and Hawaii, and Puerto Rico and the Virgin Islands".

(3) By deleting the phrase "in the said areas" wherever it appears in section 2.

16 USC 590s.

(4) By inserting at the end of said Act the following new sections:

Limitations.

"Sec. 8. No aid shall be extended under the provisions of this Act which will result in any individual, partnership, trust, estate, corporation engaged in farming, or unincorporated association becoming indebted to the United States in a principal amount outstanding at any time in excess of \$25,000, or which will result in any other corporation or agency becoming indebted in a principal amount outstanding at any time in excess of \$250,000, or which after January 1, 1954, shall provide for construction work, other than technical assistance, being done by the Secretary.

"Sec. 9. The Secretary of Agriculture is authorized, upon such terms and conditions as he shall prescribe, to make loans for the purposes of financing the improvement of farm land by soil or water conserving or drainage facilities, structures or practices, improvement of soil fertility, establishment of improved permanent pasture, sustained yield afforestation or reforestation, or other erosion preventatives, and such other related measures as may be determined from time to time by the Secretary.

Farm land improvement.

"Sec. 10. (a) In order to establish a program of insuring loans made by lenders other than the United States which comply with the requirements of this Act and are in furtherance of its objectives, the Secretary of Agriculture—

Loans by other than U. S. Insurance program.

"(1) is authorized to insure and make commitments to insure such loans on such terms and conditions as he may prescribe;

"(2) is authorized to include in insurance contracts agreements to service loans insured thereunder and to purchase such loans which are not in default on such terms and conditions as he may prescribe;

"(3) shall utilize the insurance fund (hereinafter called the Fund) created by section 11 of the Bankhead-Jones Farm Tenant Act, as amended, and the provisions of sections 13 (b) and (c) of the said Bankhead-Jones Farm Tenant Act to discharge obligations under insurance contracts made pursuant to this Act;

60 Stat. 1072.
7 USC 1005a,
1005c.

"(4) shall require the borrower to pay such insurance charges as he deems proper, taking into account the amount of the loan and prior liens: *Provided, however,* That the charge shall be payable in advance at intervals of one year or less and shall be at a rate equal to at least 1 per centum per annum of the principal outstanding on the loan insured on the due date of the charge;

"(5) may utilize the Fund to pay taxes, insurance, prior liens, and other expenses to protect the security for loans which have been insured hereunder, and to acquire such security property at foreclosure sale or otherwise;

"(6) shall liquidate acquired security property in such manner and on such terms as he deems will best preserve the Fund; and

"(7) shall have authority to make such rules and regulations and such delegations of authority as he deems appropriate in order to carry out the provisions of this Act.

"(b) Notes and the security therefor acquired by the Secretary under insurance contracts shall become a part of the Fund. The notes may be held in the Fund and collected according to their terms or

may be sold and reinsured. All proceeds from such collections, including the liquidation of security, and sales shall become a part of the Fund.

“(c) One-half of all insurance charges shall become a part of the Fund and one-half shall be deposited in the Treasury of the United States and shall be available for administrative expenses in connection with the insurance program authorized by this Act.

7 USC 1005a,
1005c.

“(d) Any contract of insurance executed by the Secretary under this Act shall be an obligation of the United States and incontestable except for fraud or misrepresentation of which the holder of the contract has actual knowledge. The provisions of sections 11 and 13 (b) and (c) of the Bankhead-Jones Farm Tenant Act, as amended, shall be applicable and available for the purpose of providing funds for the discharge of obligations arising under the insurance program authorized by this Act.

Limitation.

“(e) The aggregate amount of the principal obligations on loans insured under this Act, shall not exceed \$25,000,000 in any one fiscal year.

38 Stat. 273.

“(f) The first paragraph of section 24, chapter 6, of the Federal Reserve Act, as amended (12 U. S. C., 1952 edition, 371) is hereby amended by inserting after the phrase ‘Bankhead-Jones Farm Tenant Act’ the following: ‘, or the Act of August 28, 1937, as amended’.”

Repeal.

SEC. 2. Section 7 of the Act entitled “An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States”, approved August 11, 1939, as amended (53 Stat. 1418; 54 Stat. 1119, 1124; 63 Stat. 171), is repealed.

16 USC 590z-5.

Approved August 17, 1954.

Public Law 598

CHAPTER 752

AN ACT

August 17, 1954
[S. 3681]

To authorize the Civil Service Commission to make available group life insurance for civilian officers and employees in the Federal service, and for other purposes.

Federal Employees' Group Life Insurance Act of 1954.
Eligible employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Federal Employees’ Group Life Insurance Act of 1954.”

Regulations by CSC.

SEC. 2. (a) Except as provided in (b) of this section, each appointive or elective officer or employee (hereinafter called employee) in or under the executive, judicial, or legislative branch of the United States Government, including a Government owned or controlled corporation (but not including any corporation under the supervision of the Farm Credit Administration of which corporation any member of the board of directors is elected or appointed by private interests), and of the municipal government of the District of Columbia shall, at such time and under such conditions of eligibility as the Civil Service Commission (hereinafter called the Commission) may by regulation prescribe, come within the purview of this Act. Such regulations may provide for the exclusion of employees on the basis of the nature and type of employment or conditions pertaining thereto such as, but not limited to, short term appointments, seasonal or intermittent employment, part-time employment, and employment of like nature, and shall be issued only after consultation with the head of the department, establishment, agency, or other employing authority concerned: *Provided*, That no employee or group of employees shall be excluded solely on the basis of the hazardous nature of employment.

(b) This Act shall not apply to noncitizen employees whose permanent duty station is located outside a State of the United States or the District of Columbia, nor shall it apply to commissioned officers and enlisted personnel on active duty in or with the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, who have indemnity coverage under the Servicemen's Indemnity Act of 1951 (65 Stat. 33).

Nonapplicability.

38 USC 851 note.

SEC. 3. (a) Each employee to whom this Act applies shall be eligible to be insured for an amount of group life insurance approximating his annual compensation not exceeding \$20,000 plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

Amount.

If annual compensation is—		The amount of group life insurance shall be—	The amount of group accidental death and dismemberment insurance shall be—
Greater than	But not greater than		
0	\$1,000	\$1,000	\$1,000
\$1,000	2,000	2,000	2,000
2,000	3,000	3,000	3,000
3,000	4,000	4,000	4,000
4,000	5,000	5,000	5,000
5,000	6,000	6,000	6,000
6,000	7,000	7,000	7,000
7,000	8,000	8,000	8,000
8,000	9,000	9,000	9,000
9,000	10,000	10,000	10,000
10,000	11,000	11,000	11,000
11,000	12,000	12,000	12,000
12,000	13,000	13,000	13,000
13,000	14,000	14,000	14,000
14,000	15,000	15,000	15,000
15,000	16,000	16,000	16,000
16,000	17,000	17,000	17,000
17,000	18,000	18,000	18,000
18,000	19,000	19,000	19,000
19,000	-----	20,000	20,000

(b) Subject to the conditions and limitations of the policy or policies purchased by the Commission under this Act, as may be approved by the Commission, the group accidental death and dismemberment insurance shall provide payments as follows:

Accidental death and dismemberment payments.

Loss	Amount payable
For loss of life.	Full amount shown in the schedule in (a) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half the amount shown in the schedule in (a) of this section.
Loss of two or more such members.	Full amount shown in the schedule in (a) of this section.

For any one accident the aggregate amount of group accidental death and dismemberment insurance that may be paid shall not exceed the amount shown in the schedule in (a) of this section.

(c) The Commission shall by regulation provide for the conversion of other than annual rates of compensation to an annual basis, and shall further specify the types of compensation to be included in annual compensation.

Compensation conversion to annual rates.

(d) Each of such amounts of insurance shall be reduced by 2 per centum thereof at the end of each full calendar month following the date the employee attains age sixty-five, subject to minimum amounts prescribed by the Commission, but not less than 25 per centum of the insurance in force immediately preceding the first reduction provided herein: *Provided*, That the amounts of insurance in force from time to time on an employee who becomes insured under this Act after having attained the age of sixty-five shall be the same as would be in force had he been insured at age sixty-five, and shall be based on the

Insurance after 65.

lesser of his annual compensation (1) at the time he becomes so insured, or (2) at age sixty-five, provided he was eligible at that time to be insured under this Act.

Death claims,
payment.

SEC. 4. Any amount of group life insurance and group accidental death insurance in force on any employee at the date of his death shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

Order of preced-
ence.

First, to the beneficiary or beneficiaries as the employee may have designated by a writing received in the employing office prior to death;

Second, if there be no such beneficiary, to the widow or widower of such employee;

Third, if none of the above, to the child or children of such employee and descendants of deceased children by representation;

Fourth, if none of the above, to the parents of such employee or the survivor of them;

Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such employee;

Sixth, if none of the above, to other next of kin of such employee entitled under the laws of domicile of such employee at the time of his death.

If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the employee, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased the employee, and any such payment shall be a bar to recovery by any other person.

Withholding of
premium cost from
salary.

SEC. 5. (a) During any period in which an employee under age sixty-five is insured under a policy of insurance purchased by the Commission as authorized in section 7 of this Act, there shall be withheld from each salary payment of such employee, as his share of the cost of his group life and accidental death and dismemberment insurance, an amount determined by the Commission, but not to exceed the rate of 25 cents biweekly for each \$1,000 of his group life insurance: *Provided*, That an employee who is paid on other than a biweekly basis shall have an amount so withheld, determined at a proportionate rate, which rate shall be adjusted to the nearest cent.

Automatic insur-
ance.

Notice of de-
sire not to be in-
sured.

Any policy of insurance purchased by the Commission as authorized in section 7 of this Act shall provide that all employees eligible under the terms of this Act will be automatically insured thereunder commencing on the date they first become so eligible: *Provided*, That any employee desiring not to be so insured shall, on an appropriate form to be prescribed by the Commission, give written notice to his employing office that he desires not to be insured. If such notice is received before the employee shall have become insured under such policy, he shall not be so insured; if it is received after he shall have become insured, his insurance under the policy will cease effective with the end of the pay period during which the notice is received by the employing office.

Government con-
tribution.

(b) For each period in which an employee is insured under a policy of insurance purchased by the Commission as authorized in section 7 of this Act, there shall be contributed from the respective appropriation or fund which is used for payment of his salary, wage, or other compensation (or, in the case of an elected official, from such appropriation or fund as may be available for payment of other salaries of the same office or establishment) a sum computed at a rate determined by the Commission, but not to exceed one-half the amount withheld from the employee under this section.

(c) The sums withheld from employees under subsection (a) and the sums contributed from appropriations and funds under subsection (b) shall be deposited in the Treasury of the United States to the credit of a fund which is hereby created. Said fund is hereby made available without fiscal year limitation for premium payments under any insurance policy or policies purchased as authorized in sections 7 and 10 of this Act, and for any expenses incurred by the Commission in the administration of this Act within such limitations as may be specified annually in appropriation acts: *Provided*, That appropriations available to the Commission for salaries and expenses for the fiscal year 1955 shall be available on a reimbursable basis for necessary administrative expenses of carrying out the purposes of this Act until said fund shall be sufficient to provide therefor. The income derived from any dividends or premium rate adjustments received from insurers shall constitute a part of said fund.

SEC. 6. Each policy purchased under this Act shall contain a provision, in terms approved by the Commission, to the effect that any insurance thereunder on any employee shall cease upon his separation from the service or twelve months after discontinuance of his salary payments, whichever first occurs, subject to a provision which shall be contained in the policy for temporary extension of coverage and for conversion to an individual policy of life insurance under conditions approved by the Commission, except that if upon such date as the insurance would otherwise cease the employee (a) retires on an immediate annuity, and (b) unless retired for disability, has had fifteen years of creditable civilian service, as determined by the Commission, his life insurance only may, under conditions determined by the Commission, be continued without cost to him in the amounts for which he would have been insured from time to time had his salary payments continued at the same rate as on the date of cessation.

SEC. 7. (a) The Commission is authorized, without regard to section 3709 of the Revised Statutes as amended, to purchase from one or more life insurance companies, as determined by it, a policy or policies of group life and accidental death and dismemberment insurance to provide the benefits specified in this Act: *Provided*, That any such company must meet the following requirements: (1) Be licensed under the laws of forty-eight of the States of the United States and the District of Columbia to transact life and accidental death and dismemberment insurance, and (2) the amount of its employee group life insurance on the most recent December 31 for which information is available to the Commission shall on that date equal at least 1 per centum of the total amount of employee group life insurance in the United States in all life insurance companies.

(b) The life insurance company or companies issuing such policy or policies shall establish an administrative office under a name to be approved by the Commission.

(c) The Commission shall arrange with the life insurance company or companies issuing any policy or policies purchased under this Act to reinsure, under conditions approved by it, portions of the total amount of insurance under the policy or policies, determined as provided in subsection (d) of this section, with such other life insurance companies as may elect to participate in such reinsurance.

(d) The Commission shall determine a formula so that the amount of insurance in force to be retained by each issuing company after ceding reinsurance and the total amount of reinsurance ceded to each reinsuring company shall be in proportion to the total amount of each such company's group life insurance in force in the United States on December 31, 1953: *Provided*, That in determining such proportions,

Deposits; fund.

Administrative expenses of Commission.

Dividends or rate adjustments.

Termination of insurance.

Purchase of policies.
41 USC 5.

Requirements.

Administrative office.

Reinsurance.

Formula for apportioning reinsurance.

that portion of any company's group life insurance in force on December 31, 1953, which is in excess of \$100,000,000 shall be reduced by 25 per centum of the first \$100,000,000 of such excess, 50 per centum of the second \$100,000,000 of such excess, 75 per centum of the third \$100,000,000 of such excess, and 95 per centum of any excess thereafter: *Provided further*, That the amount retained by or ceded to any company shall not exceed 25 per centum of the amount of that company's total life insurance in force in the United States on December 31, 1953: *Provided further*, That if, at the end of one year following the date of enactment of this Act, in the case of any issuing company or reinsurer which insured employees of the Federal Government on December 31, 1953, under policies issued to an association of Federal employees, the amount which results from the application of this formula is less than the decrease, if any, in the amount of such company's insurance under such policies, the amount allocated to such company shall, upon the first reallocation as provided in subsection (e) of this section, be increased to the amount of such decrease: *And provided further*, That any fraternal benefit association which is licensed under the laws of a State of the United States or the District of Columbia to transact life insurance and is engaged in issuing insurance certificates on the lives of employees of the Federal Government exclusively shall be eligible to act as a reinsuring company and may be allocated an amount of reinsurance equal to 25 per centum of its total life insurance in force on employees of the Federal Government on December 31, 1953.

Fraternal benefit associations.

Eligibility re-determination, etc.

(e) The companies eligible to participate as reinsurers, and the amount of insurance under the policy or policies to be allocated to each issuing company or reinsurer may be redetermined by the Commission for and in advance of any policy year after the first, on a basis consistent with subsections (c) and (d) of this section, with any modifications thereof it deems appropriate to carry out the intent of such subsections, and based on each participating company's group life insurance in force, excluding that under any policy or policies purchased under this Act except in the case of companies covered in the third proviso of subsection (d), in the United States on the most recent December 31 for which information is available to it, and shall be so redetermined in a similar manner not less often than every three years or at any time that any participating company withdraws from participation.

Policy discontinuance.

Basic tables of premium rates.

Life insurance.

Accidental death and dismemberment.

(f) The Commission may at any time discontinue any policy or policies it has purchased from any insurance company.

SEC. 8. (a) Each policy or policies purchased under this Act shall include, for the first policy year, basic tables of premium rates as follows:

(1) For group life insurance, a schedule of basic premium rates by age which the Commission shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amounts of group life insurance under the policy at its date of issue to determine an average basic premium rate per \$1,000 of life insurance, and

(2) For group accidental death and dismemberment insurance, a basic premium rate which the Commission shall have determined on a basis consistent with the lowest rate generally charged for new group accidental death and dismemberment insurance policies issued to large employers.

Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company or companies issuing the policy on a basis determined by the Commission in advance of such year to be consistent with the general practice of life insurance companies under policies of group life and group accidental death and dismemberment insurance issued to large employers.

Readjustment of rates.

(b) Each policy so purchased shall include a provision that, in the event the Commission determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, it may approve the determination of a tentative average group life premium rate, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Commission during any policy year upon request by the insurance company or companies issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

Tentative average premium rate.

(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Commission on a basis consistent with the general level of such charges made by life insurance companies under policies of group life and accidental death and dismemberment insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Commission may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by it to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

Maximum expense and risk charges.

(d) Each such policy shall provide for an accounting to the Commission not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Commission, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charges for that period. Any excess of the total of item (1) over the sum of items (2) and (3) shall be held by the insurance company or companies issuing the policy as a special contingency reserve to be used by such insurance company or companies for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company or companies issuing the policy, which rate shall be approved by the Commission as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies: *Provided*, That, if and when the Commission determines that such special contingency reserve has attained an amount estimated by it to make satisfactory provision for adverse fluctuations in future charges under the policy, any further such excess shall be deposited in the Treasury of the United States to the credit of the fund. If and when such policy is discontinued, and if after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited in the Treasury of the United States to the credit of the

Yearly accounting.

Special contingency reserve.

fund, subject to the right of the insurance company or companies issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

Benefit certificates.

SEC. 9. The Commission shall arrange to have each employee insured under such policy receive a certificate setting forth the benefits to which the employee is entitled thereunder, to whom such benefits shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the employee. Such certificate shall be in lieu of the certificate which the insurance company or companies would otherwise be required to issue.

Retired employees' insurance agreements, etc. Assumption by fund.

SEC. 10. (a) The Commission is authorized to arrange with any non-profit association of Federal employees for the assumption by the fund of any existing life insurance agreements of such association with its members retired or otherwise separated from the Federal service and to insure the obligations assumed with any company or companies meeting the requirements of section 7 (a).

Payments.

(b) Any such arrangement shall provide that payments by such insured members for life insurance only shall thereafter be made at the same rates to the fund, under such conditions as the Commission may prescribe.

Transfer of assets or liability amount.

(c) Any such arrangement shall further provide that there be transferred to and deposited in the fund the lesser of the following amounts:

(1) The total assets of the life insurance fund of such association; or

(2) The amount required to meet the liabilities under life insurance agreements assumed, taking into account the payments as provided in paragraph (b). The determination of this amount shall be based on an actuarial valuation satisfactory to the Commission, procured by the association without expense to the Commission.

Restrictions.

(d) The arrangements authorized by this section shall be made only with those associations which terminate life insurance agreements with all of their members within one year after the date of enactment of this Act, and such arrangements shall apply only to life insurance granted to any member by any such association before January 1, 1954.

(e) In any case in which the fund assumes a liability for life insurance as provided in this section in respect to a person who (1) subsequently becomes eligible to be insured as an employee under this Act, and (2) does not give notice, as provided in section 5 (a), of his desire not to be so insured, the life insurance provided under this section shall terminate as of the date such person becomes insured as an employee.

Promulgation of regulations.

SEC. 11. Except as otherwise provided herein, the Commission is hereby authorized to promulgate such regulations as may be necessary and proper to give effect to the intent, purposes, and provisions of this Act.

Advisory Council on Group Insurance.

SEC. 12. (a) There is hereby established an Advisory Council on Group Insurance consisting of the Secretary of the Treasury as Chairman, the Secretary of Labor, and the Director of the Bureau of the Budget, who shall serve without additional compensation. The Council shall meet once a year, or oftener at the call of the Commission, and shall review the operations of this Act and advise the Commission on matters of policy relating to its activities thereunder.

Committee.

(b) The Chairman of the Commission shall appoint a committee composed of five employees insured under this Act, who shall serve without compensation, to advise the Commission regarding matters of concern to employees under this Act.

SEC. 13. The Commission shall report annually to Congress upon the operation of this Act.

Report to Congress.

SEC. 14. The district courts of the United States shall have original jurisdiction, concurrent with the Court of Claims, of any civil action or claim against the United States founded upon this Act.

Court jurisdiction.

SEC. 15. The insurance provided by this Act and the withholdings and contributions for that purpose shall become effective when directed by the Commission.

Effectivity.

Approved August 17, 1954.

Public Law 599

CHAPTER 753

JOINT RESOLUTION

August 18, 1954
[H. J. Res. 560]

To authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of The American Legion National Convention of 1954, to authorize the granting of certain permits to The American Legion 1954 Convention Corporation on the occasion of such convention, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for The American Legion National Convention to be held in the District of Columbia for the period from August 25 to September 7, 1954, both inclusive, the Commissioners are authorized and directed to make all reasonable regulations necessary to secure the preservation of public order and protection of life, health, and property; to make special regulations respecting the standing, movement, and operation of vehicles of whatever character or kind during said period; and to grant under such conditions as they may impose, special licenses to peddlers and vendors for the privilege of selling goods, wares, and merchandise in such places in the District of Columbia, and to charge such fees for such privilege, as they may deem proper.

American Legion
National Convention.
D. C. permits,
etc.

Vehicles.

Vendors.

SEC. 2. For the purposes of this joint resolution, the term "Commissioners" means the Commissioners of the District of Columbia or their designated agent or agents; the term "corporation" means The American Legion 1954 Convention Corporation of the District of Columbia; and the term "convention" means The American Legion National Convention of 1954 to be held in Washington, District of Columbia, on August 29, 30, and 31 and September 1 and 2, 1954.

Definitions.

SEC. 3. The Superintendent of National Capital Parks with the approval of such officer as may exercise jurisdiction over any of the Federal reservations or grounds in the District of Columbia, other than those areas under the jurisdiction of the Congress or any committee thereof, is authorized to grant to the corporation permits for the use of such reservations or grounds during the convention, including a reasonable time prior and subsequent thereto; the Architect of the Capitol is authorized to grant like permits for the use of those areas under the jurisdiction of the Congress or any committee thereof; and the Commissioners are authorized to grant like permits for the use of public space under their jurisdiction, including the grounds and stadia of the public schools. Each such permit shall be subject to such restrictions, terms, and conditions as may be imposed by the grantor of such permit. No stand or other structure shall be built on any sidewalk, street, park, reservation or other public grounds in the District of Columbia, except with the approval of the corporation, and with the approval of the Superintendent of National Capital Parks, the Architect of the Capitol, or the Commissioners, as the case may be, depending on the location of such stand. The reservations, grounds, or public spaces occupied by the stands or other structures shall, after the convention, be promptly restored to their previous condition. The corporation shall indemnify and save harmless the Dis-

Use of grounds.

Restrictions.

trict of Columbia and the appropriate agency or agencies of the Federal Government against any loss or damage to such property and against any liability arising from the use of such property, either by the corporation or a licensee of the corporation.

Lighting, etc.

SEC. 4. The Commissioners are authorized to permit the corporation to install suitable overhead conductors and install suitable lighting or other electrical facilities, with adequate supports, for illumination or other purposes. If it should be necessary to place wires for illuminating or other purposes over any park or reservation in the District of Columbia, such placing of wires and their removal shall be under the supervision of the official in charge of said park or reservation. Such conductors with their supports shall be removed on or before September 15, 1954. The Commissioners, or such other officials as may have jurisdiction in the premises, shall enforce the provisions of this joint resolution, take needful precautions for the protection of the public, and insure that the pavement of any street, sidewalk, avenue, or alley which is disturbed or damaged is restored to its previous condition. No expense or damage from the installation, operation, or removal of said temporary overhead conductors or said illumination or other electrical facilities shall be incurred by the United States or the District of Columbia, and the corporation shall indemnify and save harmless the District of Columbia and the appropriate agency or agencies of the Federal Government against any loss or damage and against any liability whatsoever arising from any act of the corporation or any agent, licensee, servant, or employee of the corporation.

Loan of tents,
camp appliances,
etc.

SEC. 5. Such agencies of the Department of Defense as the Secretary of Defense may designate are authorized to lend to the corporation such hospital tents, smaller tents, camp appliances, hospital furniture, ensigns, flags, ambulances, drivers, stretchers, and Red Cross flags and poles (except battle flags) as may be spared without detriment to the public service, and under such conditions as they may prescribe: *Provided*, That such loan shall be returned by the 15th day of September 1954, and the corporation shall indemnify the Government for any loss or damage to any of such property, and no expense shall be incurred by the United States Government for the delivery, return, rehabilitation, replacement, or operation of such equipment. The corporation shall give a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

Overhead wires.

SEC. 6. The Commissioners, the Architect of the Capitol, the Superintendent of National Capital Parks, and the corporation are authorized to permit telegraph, telephone, radiobroadcasting, and television companies to extend overhead wires to such points along the line of any parade as shall be deemed convenient for use in connection with such parade and other convention purposes. Such wires shall be removed within ten days after the conclusion of the convention.

Effectivity of
regulations, etc.
Newspaper pub-
lication.

SEC. 7. The regulations and licenses authorized by this Act shall be in full force and effect only during the period August 25 to September 7, 1954, both inclusive. Such regulations shall be published in one or more of the daily newspapers published in the District of Columbia and no penalty prescribed for the violation of any such regulation shall be enforced until five days after such publication. Any person violating any regulation promulgated by the Commissioners under the authority of this Act shall be fined not more than \$100 or imprisoned for not more than thirty days. Each and every day a violation of any such regulation exists shall constitute a separate offense, and the penalty prescribed herein shall be applicable to each such separate offense.

Penalties.

Approved August 18, 1954.

Public Law 600

CHAPTER 769

AN ACT

To permit the compelling of testimony under certain conditions and to grant immunity from prosecution in connection therewith.

August 20, 1954
[S. 16]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, section 3486, is amended to read as follows:

Witnesses before Congress.
Immunity.
62 Stat. 833.

“§ 3486. Compelled testimony tending to incriminate witnesses; immunity

“(a) In the course of any investigation relating to any interference with or endangering of, or any plans or attempts to interfere with or endanger the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy or the overthrow of its Government by force or violence, no witness shall be excused from testifying or from producing books, papers, or other evidence before either House, or before any committee of either House, or before any joint committee of the two Houses of Congress on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, when the record shows that—

“(1) in the case of proceedings before one of the Houses of Congress, that a majority of the members present of that House; or

“(2) in the case of proceedings before a committee, that two-thirds of the members of the full committee shall by affirmative vote have authorized such witness to be granted immunity under this section with respect to the transactions, matters, or things concerning which he is compelled, after having claimed his privilege against self-incrimination to testify or produce evidence by direction of the presiding officer and

that an order of the United States district court for the district wherein the inquiry is being carried on has been entered into the record requiring said person to testify or produce evidence. Such an order may be issued by a United States district court judge upon application by a duly authorized representative of the Congress or of the committee concerned. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecutions described in subsection (d) hereof) against him in any court.

“(b) Neither House nor any committee thereof nor any joint committee of the two Houses of Congress shall grant immunity to any witness without first having notified the Attorney General of the United States of such action and thereafter having secured the approval of the United States district court for the district wherein such inquiry is being held. The Attorney General of the United States shall be notified of the time of each proposed application to the United States district court and shall be given the opportunity to be heard with respect thereto prior to the entrance into the record of the order of the district court.

“(c) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving any interference with or endangering of, or any plans or attempts to interfere with or endanger,

50 USC 781 note.
42 USC 1801
note.

8 USC 1182(a),
1251(a), 1424(a).

Perjury or con-
tempt.

the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 (64 Stat. 987), violations of the Atomic Energy Act of 1946 (60 Stat. 755), as amended, violations of sections 212 (a) (27), (28), (29) or 241 (a) (6), (7) or 313 (a) of the Immigration and Nationality Act (66 Stat. 182-186; 204-206; 240-241), and conspiracies involving any of the foregoing, is necessary to the public interest, he, upon the approval of the Attorney General, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this section, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecution described in subsection (d) hereof) against him in any court.

“(d) No witness shall be exempt under the provision of this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.”

SEC. 2. The analysis of chapter 223 of title 18, United States Code, is amended by striking out

“3486. Testimony before Congress; immunity.”

and inserting in lieu thereof the following:

“3486. Compelled testimony tending to incriminate witness; immunity.”

Approved August 20, 1954.

Public Law 601

CHAPTER 770

JOINT RESOLUTION

August 20, 1954
[S. J. Res. 140]

To establish a commission for the celebration of the two hundredth anniversary of the birth of Alexander Hamilton.

Alexander
Hamilton Bicen-
tennial Commis-
sion.
Establishment.
Members.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a commission to be known as the “Alexander Hamilton Bicentennial Commission” (hereinafter referred to as the “Commission”) which shall be composed of nineteen Commissioners as follows: The President of the United States, the President of the Senate, and the Speaker of the House of Representatives, all ex officio; and eight persons to be appointed by the President of the United States, four Senators to be appointed by the President of the Senate, and four Representatives to be appointed by the Speaker of the House of Representatives.

Duties.

SEC. 2. It shall be the duty of the Commission to prepare plans and a program for signaling the two hundredth anniversary of the birth of Alexander Hamilton. In preparing such plans and program the Commission shall give due consideration to any plan or plans which may be submitted to it, and to take such steps as may be necessary to coordinate and correlate its plans with those prepared by State or civic bodies. If the participation of other nations in

the commemoration is deemed advisable, the Commission may communicate to that end with the governments of such nations through the State Department.

SEC. 3. The Commission shall select a Chairman and a Vice Chairman from among its members, and may employ, without regard to the civil-service laws or the Classification Act of 1949, such employees as may be necessary in carrying out its functions.

Chairman and
Vice Chairman.

63 Stat. 954.
5 USC 1071 note.

SEC. 4. The Commissioners shall serve without compensation, but may be reimbursed for expenses incurred by them in carrying out the duties of the Commission.

Reimbursement.

SEC. 5. When the Commission has approved a plan of celebration, it shall submit it, insofar as it relates to the fine arts, to the Commission of Fine Arts for its approval.

Submission of
plan.

SEC. 6. The Commission shall, on or before March 1, 1955, make a report to the Congress in order that further enabling legislation may be enacted.

Report to Con-
gress.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution, but in no event shall the sums hereby authorized to be appropriated exceed a total of \$10,000.

Appropriation.

SEC. 8. The Commission shall expire upon the completion of its duties, but in no event later than January 11, 1958.

Expiration.

Approved August 20, 1954.

Public Law 602

CHAPTER 771

AN ACT

To amend section 1071 of title 18, United States Code, relating to the concealing of persons from arrest, so as to increase the penalties therein provided.

August 20, 1954
[H. R. 7486]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1071 of title 18, United States Code, is amended to read as follows:

Harboring of
criminal.
62 Stat. 755.
Penalty.

"Whoever harbors or conceals any person for whose arrest a warrant or process has been issued under the provisions of any law of the United States, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; except that if the warrant or process issued on a charge of felony, or after conviction of such person of any offense, the punishment shall be a fine of not more than \$5,000, or imprisonment for not more than five years, or both."

Approved August 20, 1954.

Public Law 603

CHAPTER 772

AN ACT

To amend title 18, United States Code, to provide for the punishment of persons who jump bail.

August 20, 1954
[H. R. 8658]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 207 of title 18, United States Code, is amended by inserting, immediately following section 3145 of such chapter, a new section to be designated as section 3146 and to read as follows:

Bail jumpers.
Penalties.
62 Stat. 821.

“§ 3146. Jumping bail

“Whoever, having been admitted to bail for appearance before any United States commissioner or court of the United States, incurs a forfeiture of the bail and willfully fails to surrender himself within thirty days following the date of such forfeiture, shall, if the bail was given in connection with a charge of felony or pending appeal or certiorari after conviction of any offense, be fined not more than \$5,000 or imprisoned not more than five years, or both; or, if the bail was given in connection with a charge of committing a misdemeanor, or for appearance as a witness, be fined not more than \$1,000 or imprisoned not more than one year, or both.

“Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.”

SEC. 2. The analysis of chapter 207 of title 18, United States Code, immediately preceding section 3141 of such title, is amended by adding the following new item:

“3146. Jumping bail.”

Approved August 20, 1954.

Public Law 604

CHAPTER 773

JOINT RESOLUTION

August 20, 1954
[H. J. Res. 561]

To authorize the quartering in public buildings in the District of Columbia of troops participating in activities related to The American Legion National Convention of 1954.

American Legion
National Conven-
tion.
D. C. space for
troops.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Administrator of General Services and the respective heads of executive departments and establishments may allocate such space in any public building under their care and supervision as they deem necessary for the purpose of quartering, for a period not exceeding five days beginning not earlier than the 29th day of August in the year 1954, troops participating in activities related to The American Legion National Convention of 1954: *Provided*, That the Department of Defense shall reimburse the executive agency responsible for care and supervision of the building for any damage thereto done by such troops, and such reimbursement may be credited to the appropriation or fund available for repair and maintenance of the building.

Approved August 20, 1954.

Public Law 605

CHAPTER 774

AN ACT

August 20, 1954
[H. R. 8034]

For the incorporation of the Sons of Union Veterans of the Civil War.

Sons of Union
Veterans of the
Civil War.
Incorporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons to wit: General of the Army Douglas MacArthur, New York; Major General Amos A. Fries, retired, and Major General Ulysses S. Grant, 3d, retired, Washington, District of Columbia; Charles Boynton, Long Beach, California; Frank Worner, Inglewood, California; Wilbur Coursey, Fresno, California; Roy A. Davis, Colorado Springs, Colorado; Angus Ogborn, Richmond, Indiana; Thomas M. Horn, Lafayette, Indiana; Alonzo R. Stanfield, Indianapolis,

Indiana; Roy J. Bennett, Des Moines, Iowa; Homer L. Young, Waterloo, Iowa; Dr. L. L. Shoppe, Des Moines, Iowa; E. S. Spangler, Newton, Kansas; A. P. Phillips, Newton, Kansas; William Dix, Newton, Kansas; F. Harold Dubord, Waterville, Maine; Hon. Burleigh Martin, Augusta, Maine; General William E. Southard, Bangor, Maine; George W. Kimball, Chelsea, Massachusetts; Brigadier General Otis M. Whitney, Concord, Massachusetts; Charles H. E. Moran, Holyoke, Massachusetts; Governor Alvan Tufts Fuller, Boston, Massachusetts; Charles R. Cowdin, Detroit, Michigan; Birt Hammong, Jackson, Michigan; Charles F. Dexter, Detroit, Michigan; Donald F. Peacock, Detroit, Michigan; Dewey B. Mead, Minneapolis, Minnesota; Donald C. Bennyhof, Hennepin County, Minnesota; William A. Anderson, Minneapolis, Minnesota; Laurence J. Parker, Bennington, New Hampshire; Wallace L. Mason, Keene, New Hampshire; Cleon E. Heald, Keene, New Hampshire; Colonel Edward Black, retired, Bennington, New Hampshire; Albert C. Lambert, Trenton, New Jersey; Colonel Frederic G. Bauer, Ridgewood, New Jersey; Charles A. Otto, Elizabeth, New Jersey; C. Wesley Armstrong, Trenton, New Jersey; Doctor Karl Rothschild, New Brunswick, New Jersey; Rev. Hermon L. Brockway, Ithaca, New York; William M. Coffin, Cincinnati, Ohio; Homer A. Ramey, Toledo, Ohio; Miles S. Kuhn, Dayton, Ohio; S. Anselm Skelton, Portsmouth, Ohio; Frederick K. Davis, Eugene, Oregon; Doctor W. E. Buchanan, Eugene, Oregon; Austin D. McReynolds, Eugene, Oregon; Glenn L. Adams, Salem, Oregon; John H. Runkle, Harrisburg, Pennsylvania; C. Leroy Stoudt, Reading, Pennsylvania; Walter C. Mabie, Philadelphia, Pennsylvania; Edgar L. Gale, Seattle, Washington; Edward T. Fairchild, Madison, Wisconsin; Roland J. Steinle, Milwaukee, Wisconsin; Lyall T. Beggs, Madison, Wisconsin; and Doctor William Martin Lamers, Wauwatosa, Wisconsin; and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Sons of Union Veterans of the Civil War (hereinafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

SEC. 2. A majority of the persons named in the first section of this Act, acting in person or by written proxy, are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

Organization.

SEC. 3. The purposes of the corporation shall be: To perpetuate the memory of the Grand Army of the Republic and of the men who saved the Union in 1861 to 1865; to assist in every practicable way in the preservation and making available for research of documents and records pertaining to the Grand Army of the Republic and its members; to cooperate in doing honor to all those who have patriotically served our country in any war; to teach patriotism and the duties of citizenship, the true history of our country, and the love and honor of our flag; to oppose every tendency or movement that would weaken loyalty to, or make for the destruction or impairment of, our constitutional Union; and to inculcate and broadly sustain the American principles of representative government, of equal rights, and of impartial justice for all.

Purposes of corporation.

SEC. 4. The corporation shall have power—

- (1) to have succession by its corporate name;
- (2) to sue and be sued, complain and defend in any court of competent jurisdiction;

Corporate powers.

- (3) to adopt, use, and alter a corporate seal;
- (4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;
- (5) to adopt, amend, and alter a constitution and bylaws; not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
- (6) to contract and be contracted with;
- (7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;
- (8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal or mixed property; and
- (9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge or otherwise, subject in every case to all applicable provisions of Federal and State laws; and
- (10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

Membership.

SEC. 5. Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide. Eligibility for membership in the corporation shall be limited to male blood relatives of persons who served between April 12, 1861, and April 9, 1865, as soldiers or sailors of the United States Army, Navy, Marine Corps or Revenue-Cutter Service, and of such State regiments as were called into active service and were subject to orders of United States general officers between the dates above mentioned and were honorably discharged therefrom at the close of such service or who died in such service.

Government.

SEC. 6. The supreme governing authority of the corporation shall be the national encampment thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws: *Provided*, That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of the control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national encampment may be held in any State or Territory or in the District of Columbia.

Council of administration.

SEC. 7. (a) During the intervals between the national encampments, the council of administration shall be the governing board of the corporation and shall be responsible for the general policies, program, and activities of the corporation.

(b) Upon the enactment of this Act the membership of the initial council of administration of the corporation shall consist of the present members of the council of administration of the Sons of Union Veterans of the Civil War, the corporation described in section 18 of this Act, or such of them as may then be living and are qualified members of said council of administration, to wit: Major General Ulysses

S. Grant, 3d, retired; Dewey B. Mead; Reverend Hermon L. Brockway; Laurence J. Parker; George W. Kimball; Frederick K. Davis; and Albert C. Lambert.

(c) Thereafter, the council of administration of the corporation shall consist of not less than seven members elected in the manner and for the term prescribed in the constitution and bylaws of the corporation.

SEC. 8. The officers of the corporation shall be a commander in chief, a senior vice commander in chief, a junior vice commander in chief, a secretary and a treasurer (which latter two offices may be held by one person), and such other officers as may be prescribed in the constitution and bylaws. The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

SEC. 9. (a) The principal office of the corporation shall be located in Trenton, New Jersey, or in such other place as may be determined by the council of administration; but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the District of Columbia, and Territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

SEC. 10. (a) No part of the income or assets of the corporation shall inure to any of its members or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(b) The corporation shall not make loans to its officers or employees. Any member of the council of administration who votes for or assents to the making of a loan or advance to an officer or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

SEC. 11. The corporation and its officers and agents as such shall not contribute to or otherwise support or assist any political party or candidate for public office.

SEC. 12. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 13. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national encampments and council of administration. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

SEC. 15. (a) The financial transactions of the corporation shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person

Officers.

Principal office.
Trenton, N. J.

D. C. agent.

Use of income.

Loans to officers.

Political activity.

Liability.

Stock shares.

Books and records.

Audit.

or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

Reports to Congress.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

SEC. 16. On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the National Encampment covering such fiscal year. Such report shall not be printed as a public document.

Use of name.

SEC. 17. The corporation and its subordinate divisions shall have the sole and exclusive right to use the name, the Sons of Union Veterans of the Civil War. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as it may legally adopt, and such emblems, seals, and badges as have heretofore been used by the Illinois corporation described in section 18 and the right to which may be lawfully transferred to the corporation.

Transfer of assets.

SEC. 18. The corporation may acquire the assets of the Sons of Union Veterans of the Civil War, a corporation organized under the laws of the State of Illinois, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of Illinois applicable thereto.

Use of assets on dissolution or liquidation.

SEC. 19. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the council of administration and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

SEC. 20. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 20, 1954.

Public Law 606.

CHAPTER 775

August 20, 1954
[H. R. 8384]

AN ACT

Rogue River
Basin project.
Talent division.

To authorize the Secretary of the Interior to construct, operate, and maintain the Talent division of the Rogue River Basin reclamation project, Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of furnishing water for the irrigation of approximately eighteen thousand acres of land in Jackson County, Oregon, controlling floods, and providing hydroelectric power, and for other beneficial purposes, the Secretary of the Interior is authorized to construct, operate, and maintain the Talent division of the Rogue River Basin project consisting of two principal reservoirs at the Howard Prairie and Emigrant sites, together with other necessary works for the collection, impounding, diversion, and delivery of water, the generation and transmission of hydroelectric power and operations incidental thereto. The construction, operation, and maintenance of the Talent division shall be made in accordance with the report of the Secretary of the Interior thereon dated June 3, 1954: *Provided*, That the Green Springs

powerplant may be constructed with a capacity of sixteen thousand kilowatts. The Secretary is further authorized to undertake the rehabilitation of works of the Medford and Rogue River Valley Irrigation Districts as under the provisions of the Act of October 7, 1949 (63 Stat. 724), as amended.

SEC. 2. (a) In constructing, operating, and maintaining the Talent division, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) except as is otherwise provided in this Act.

(b) Any contract entered into under section 9, subsection (d), of the Reclamation Project Act of 1939 (53 Stat. 1187, 1193; 43 U. S. C., 1946 ed., sec. 485h), for payment of those portions of the costs of constructing, operating, and maintaining the Talent division which are properly allocable to irrigation and which are assigned to be paid by the contracting organization shall provide for the repayment of the portion of the construction cost of the division assigned to any contract unit or, if the contract unit be divided into two or more blocks, to any such block over a period of not more than sixty years, exclusive of any permissible development period, or as near thereto as is consistent with the adoption and operation of a variable payment formula which, being based on full repayment within the period stated under average conditions, permits variance in the required annual payments in the light of economic factors pertinent of the ability of the organization to pay.

(c) Notwithstanding any other provision of law to the contrary, all net revenues derived from the sale of commercial power from the Talent division shall be applied, first, to the amortization of that portion of the cost of constructing the division which is allocated to commercial power with interest on the unamortized balance thereof at the average rate (which rate shall be certified by the Secretary of the Treasury) paid by the United States on its marketable long-term securities outstanding on the date of this Act and, thereafter, to the amortization of that portion of the cost of constructing the division which is allocated to irrigation but which is beyond the ability of the contracting irrigation organization to repay as provided above. Contracts for the disposition of power from the Talent division shall be entered into with the financial objective of returning the power allocation with interest plus as much of the irrigation allocation as is beyond the ability of the water users to repay, all as hereinbefore provided, within a period of not more than sixty years.

SEC. 3. There is hereby authorized to be appropriated for construction of the Talent division and for the rehabilitation work authorized to be undertaken by section 1 of this Act, out of any moneys in the Treasury not otherwise appropriated, the sum of \$22,900,000 plus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved therein.

Approved August 20, 1954.

43 USC 504.

Laws governing.

43 USC 371 note.

Contract payments.

Commercial power sales.
Use of revenue.

Appropriation.

Public Law 607

CHAPTER 776

AN ACT

To establish the rate of compensation for the position of the General Counsel of the Department of Commerce.

August 20, 1954
[H. R. 8921]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of the Act of March 18, 1904, relating to the Office of the General Counsel

Commerce Department.
General Counsel.

5 USC 592b.

of the Department of Commerce (33 Stat. 85, 135), as amended and supplemented by the Act of March 4, 1913 (37 Stat. 736), by Public Law 584, Eighty-second Congress (66 Stat. 758), and by section 7 of Executive Order 6166 of June 10, 1933, be, and the same is hereby, amended to read as follows:

"There shall be in the Department of Commerce a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have basic compensation at the rate per annum provided for Assistant Secretaries."

Approved August 20, 1954.

Public Law 608

CHAPTER 777

August 20, 1954
[S. 3546]

AN ACT

To provide an immediate program for the modernization and improvement of such merchant-type vessels in the reserve fleet as are necessary for national defense.

Emergency Ship
Repair Act of 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Ship Repair Act of 1954".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act in the interests of national defense to provide for the immediate improvement and modernization of needed merchant-type vessels in the reserve fleet under the jurisdiction of the Secretary of Commerce, and thereby to provide a much needed stimulus to the shipbuilding and ship repair industries of the Nation.

RESERVE FLEET MODERNIZATION AND REPAIR PROGRAM

SEC. 3. The Secretary of Commerce shall, after consulting the Secretary of Defense, formulate and carry out to the extent authorized under the provisions of this Act a program of repairing, modernizing, or converting such merchant-type vessels in the national defense reserve under the jurisdiction of the Secretary of Commerce as may be necessary to provide for the purpose of national defense an adequate and ready reserve fleet of merchant and auxiliary vessels.

CONTRACTING AUTHORIZATION

SEC. 4. The Secretary of Commerce shall, within twenty-four months after the date of the enactment of this Act, enter into such contracts for the repair, modernization, and conversion of vessels as may be necessary to carry out the provisions of this Act. Such contracts (1) may provide for the expenditure by the United States of not more than \$25,000,000, (2) shall be with private shipbuilding or ship repair yards on the Atlantic, Pacific, and gulf coasts of the United States, (3) shall be entered into in accordance with applicable provisions of the Federal Property and Administrative Services Act of 1949. In entering into such contracts the Secretary of Commerce shall not alter the present Maritime Administration policy of inviting single bids or split bids or both for drydock and nondrydock work.

63 Stat. 377.
40 USC 471 note.

AUTHORIZATION OF APPROPRIATION

SEC. 5. There are hereby authorized to be appropriated such sums not in excess of \$25,000,000 as may be necessary to carry out the provisions of this Act.

Approved August 20, 1954.

Post, p. 807.

Public Law 609

CHAPTER 778

AN ACT

To provide that the Metropolitan Police force shall keep arrest books which are open to public inspection.

August 20, 1954
[S. 3655]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 386 of the Revised Statutes, relating to the District of Columbia, as amended (D. C. Code, sec. 4-134), is amended by striking out the word "and" at the end of paragraph (3); by renumbering paragraph (4) as paragraph (5), and by inserting between paragraphs (4) and (5) the following new paragraph:

D. C. arrest books.

"(4) Arrest books, which shall contain the following information:

"(a) Case number, date of arrest, and time of recording arrest in arrest book;

"(b) Name, address, date of birth, color, birthplace, occupation, and marital status of person arrested;

"(c) Offense with which person arrested was charged and place where person was arrested;

"(d) Name and address of complainant;

"(e) Name of arresting officer; and

"(f) Disposition of case; and".

SEC. 2. Section 389 of the Revised Statutes, relating to the District of Columbia, as amended (D. C. Code, sec. 4-135), is amended to read as follows:

"SEC. 389. The records to be kept by paragraphs (1), (2), (3), and (4) of section 386 shall be open to public inspection when not in actual use and this requirement shall be enforceable by mandatory injunction issued by the United States District Court for the District of Columbia on the application of any person."

Public inspection.

Approved August 20, 1954.

Public Law 610

CHAPTER 779

AN ACT

To amend the laws granting education and training benefits to certain veterans to extend the period during which such benefits may be offered.

August 20, 1954
[H. R. 9888]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 212 (a) of the Veterans' Readjustment Assistance Act of 1952 is amended by striking out "two" and inserting "three" in lieu thereof.

(b) Section 213 of such Act is amended by striking out "seven" and inserting "eight" in lieu thereof.

SEC. 2. The proviso in paragraph 1 of part VII of Veterans Regulation Numbered 1 (a) is amended by inserting before the period

Veterans.
Education bene-
fits.
66 Stat. 664.
38 USC 917, 918.

38 USC ch. 12A.

at the end thereof the following: “, except that ‘thirteen years’ shall be substituted for ‘nine years’ in the case of any otherwise eligible person who the Administrator determines to have been prevented from entering or, having entered, from completing, training under this part within such nine years by reason of one of the following conditions:

“(a) Such person had not attained, retained, or regained medical feasibility for training because of mental or physical disability;

58 Stat. 301.

“(b) Such person had not met the nature of discharge requirements of section 1503 of the Servicemen’s Readjustment Act of 1944 (38 U. S. C. 697c) prior to a change, correction, or modification of a discharge or dismissal made pursuant to section 301 of the Servicemen’s Readjustment Act of 1944, as amended (38 U. S. C. 693h), or the correction of a military or naval record made pursuant to section 207 of the Legislative Reorganization Act of 1946, as amended (5 U. S. C. 191a), or other corrective action by competent authority; or

58 Stat. 286.

60 Stat. 837.

“(c) Such person had not timely established the existence of compensable disability connected with or aggravated by service.”.

64 Stat. 1121.

Vocational rehabilitation.

SEC. 3. That clause (1) of the Act of December 28, 1950, as amended (38 U. S. C. 701a), is amended to read as follows: “(1) Vocational rehabilitation based on service as prescribed in this Act may be afforded until nine years after the enactment of this amendment as to any veteran discharged or released from such service prior thereto, or otherwise until nine years after discharge or release from such service or nine years after the aforesaid termination of the period beginning June 27, 1950, whichever date is the earlier; except that ‘thirteen years’ shall be substituted for ‘nine years’ in the case of any otherwise eligible person whom the Administrator determines to have been prevented from entering or having entered, from completing, training under this Act within such nine years by reason of one of the following conditions:

“(a) Such person had not attained, retained, or regained medical feasibility for training because of mental or physical disability;

58 Stat. 301.

“(b) Such person had not met the nature of discharge requirements of section 1503 of the Servicemen’s Readjustment Act of 1944 (38 U. S. C. 697c) prior to a change, correction, or modification of a discharge or dismissal made pursuant to section 301 of the Servicemen’s Readjustment Act of 1944, as amended (38 U. S. C. 693h), or the correction of a military or naval record made pursuant to section 207 of the Legislative Reorganization Act of 1946, as amended (5 U. S. C. 191a), or other corrective action by competent authority; or

58 Stat. 286.

60 Stat. 837.

“(c) Such person had not timely established the existence of compensable disability connected with or aggravated by service.”.

Approved August 20, 1954.

Public Law 611

CHAPTER 780

August 21, 1954
[H. R. 8152]

AN ACT

To extend to June 30, 1955, the direct home and farmhouse loan authority of the Administrator of Veterans’ Affairs under title III of the Servicemen’s Readjustment Act of 1944, as amended, to make additional funds available therefor, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Servicemen’s Readjustment Act of 1944, as amended, is hereby amended—

Veterans’ loans.

(a) by striking out of clause (C) of section 512 (b) "July 31, 1954" and inserting in lieu thereof "June 30, 1955";

Ante, p. 320.

(b) by striking out of section 512 (d) "to any private lending institution evidencing ability to service loans" and inserting in lieu thereof "to any person or entity approved for such purpose by the Administrator";

64 Stat. 75.
38 USC 6941 (d).

(c) by striking out of the first sentence of section 513 (a) "July 31, 1954" and inserting in lieu thereof "June 30, 1955";

Ante, p. 320.

(d) by striking out of the third sentence of section 513 (c) "June 30, 1955" and inserting in lieu thereof "June 30, 1956";

67 Stat. 136.
38 USC 694m (c).

(e) by striking out of the first sentence of section 513 (d) "July 31, 1954" and inserting in lieu thereof "June 30, 1955";

Ante, p. 320.

(f) by striking out of section 513 (d) the second time it appears the sum of "\$25,000,000" and inserting in lieu thereof the sum of "\$37,500,000".

66 Stat. 64.
38 USC 694m (d).

Approved August 21, 1954.

Public Law 612

CHAPTER 781

AN ACT

To provide for the inclusion of the Ainsworth, Lavaca Flats, Mirage Flats Extension, and O'Neill irrigation developments in the Missouri River Basin project.

August 21, 1954
[H. R. 8520]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Missouri River Basin project, heretofore authorized by section 9 of the Act of December 22, 1944 (58 Stat. 887, 891), and section 18 of the Act of July 24, 1946 (60 Stat. 641, 653), is hereby reauthorized and extended to include the Ainsworth, Lavaca Flats, Mirage Flats Extension, and O'Neill units. The Secretary shall cause these units of the Missouri River Basin project to be coordinated and integrated, physically and financially, with the other Federal works constructed or authorized to be constructed under the comprehensive plans approved by section 9 of the Act of December 22, 1944, as amended and supplemented.

Missouri River
Basin project.
Reauthorization.

SEC. 2. Construction of the units herein authorized to be included in the Missouri River Basin plan shall not be undertaken until a report demonstrating their physical and economic feasibility has been completed, reviewed by the affected States, and approved by the Congress.

Approved August 21, 1954.

Public Law 613

CHAPTER 782

AN ACT

To increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers, sailors, and airmen of the United States.

August 21, 1954
[H. R. 8180]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States", approved August 27, 1888, as amended (U. S. C., 1946 edition, title 24, sec. 134), is amended by striking out in the first paragraph thereof "\$500 per annum from the effective date of this amendment through June 30, 1956, and \$300 per annum thereafter" and inserting in lieu thereof "\$700 per annum from the effective date of this amendment".

Veterans.
Federal aid to
State homes.

25 Stat. 450.

SEC. 2. The amendment made by this Act shall apply to payments with respect to the care given to disabled soldiers, sailors, and airmen on and after the first day of the month next following the month during which this Act is enacted: *Provided*, That said payments shall be made regardless of whether said veteran may be receiving domiciliary care or hospitalization in said home and the appropriations of the Veterans' Administration for medical, hospital, and domiciliary care shall be available for this purpose: *Provided further*, That no such payment to a State or Territory shall be made until the Administrator of Veterans' Affairs determines that the veteran, on whose account such payment is requested, is eligible for such care in a Veterans' Administration facility, and after such determination of eligibility such payment shall be made covering the period of eligibility from the date such care commenced, except that no such payment shall be made effective prior to the date of receipt by the Veterans' Administration of an appropriate request for determination of eligibility in the case of any eligible veteran with respect to whom such request is not received within ten days following the date such care commenced.

Approved August 21, 1954.

Public Law 614

CHAPTER 783

AN ACT

August 21 1954
[H. R. 9000]

To integrate the Judge Advocate's promotion list with that of the Army to restore lost seniority and grade, and for other purposes.

Army.
Judge Advo-
cate's promotion
list.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 247 of the Universal Military Training and Service Act (formerly the Selective Service Act of 1948 (62 Stat. 643; 10 U. S. C. 65)) be amended to read:

"Regular Army officers shall be permanently appointed by the President, by and with the advice and consent of the Senate, in the Judge Advocate General's Corps in the commissioned officer grades of major general, brigadier general, colonel, lieutenant colonel, major, captain, and first lieutenant."

SEC. 2. The names of officers on the Judge Advocate's promotion list who were transferred thereto from the Army promotion list shall be entered on the Army promotion list in the positions they would have attained if they had not been transferred to the Judge Advocate's promotion list: *Provided*, That the names of officers on the Judge Advocate's promotion list in the permanent grade of colonel shall be entered on the Army promotion list without change in the order of their precedence on the Judge Advocate's promotion list.

SEC. 3. The names of officers on the Judge Advocate's promotion list, other than those provided for in section 2, shall be entered on the Army promotion list in the positions they would have attained if they had been entered on the Army promotion list at the time of original appointment.

SEC. 4. To the extent necessary to give effect to sections 2 and 3, officers on the Judge Advocate's promotion list who would have attained a higher grade had they been carried on the Army promotion list rather than on the Judge Advocate's promotion list shall, within one hundred and twenty days after the date of enactment of this Act and in the manner prescribed in the Officer Personnel Act of 1947, be considered for and, if selected, be promoted to such higher grade. Officers considered for promotion to the grades of captain, major, and lieutenant colonel under the provisions of this section but not selected

shall be deemed to have failed of selection within the meaning of section 509 of the Officer Personnel Act of 1947.

10 USC 559c.

SEC. 5. To the extent necessary to give effect to sections 2, 3, and 4, the Secretary of the Army shall adjust the dates of rank in permanent grade of the officers described therein. For an officer entered on the Army promotion list in the grade of lieutenant colonel under this Act or promoted to that grade under section 4 hereof, the date specified as the adjusted date of rank shall be considered as the beginning of a period of service under a permanent appointment in the grade of lieutenant colonel for the purposes of section 510 of the Officer Personnel Act of 1947 (61 Stat. 897; 10 U. S. C. 559d).

SEC. 6. Nothing in this Act shall be construed as changing existing laws pertaining to the appointment and commissioning of Regular Army officers in the Judge Advocate General's Corps or to the status of the Judge Advocate General's Corps as a special branch of the Army.

SEC. 7. No officer of the Judge Advocate General's Corps shall suffer a reduction in grade by reason of the enactment of this Act. An officer who, on the day prior to the effective date hereof, is a "deferred officer" within the meaning of section 509 of the Officer Personnel Act of 1947 shall not, by reason of any provision of this Act, cease to be a "deferred officer".

10 USC 559c.

SEC. 8. The second paragraph of section 247 of the Universal Military Training and Service Act (formerly the Selective Service Act of 1948 (62 Stat. 643; 10 U. S. C. 65)) and the last sentence of section 308 of the Army Organization Act of 1950 (64 Stat. 270; 10 U. S. C. 61-1) are hereby repealed.

Repeals.

SEC. 9. No retroactive pay or allowances shall accrue as a result of the enactment of this Act.

SEC. 10. The Secretary of the Army, or such subordinate as he may designate, shall have authority to make all determinations necessary in the administration of this Act.

SEC. 11. This Act shall become effective thirty days after the date of its enactment.

Effective date.

Approved August 21, 1954.

Public Law 615

CHAPTER 784

AN ACT

To extend certain civilian-internee and prisoner-of-war benefits under the War Claims Act of 1948, as amended, to civilian internees and American prisoners of war captured and held during the hostilities in Korea.

August 21, 1954
[H. R. 9390]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5 of the War Claims Act of 1948, as amended (50 App. U. S. C., sec. 2004), is hereby amended by adding the following new subsection at the end thereof.

Civilian internees and prisoners of war, Korean hostilities.
62 Stat. 1242.

"(g) (1) As used in this subsection, the term 'civilian American citizens' means any person who, being then a citizen of the United States, was captured in Korea on or after June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to the date of enactment of this subsection, or who went into hiding in Korea in order to avoid capture or internment by any such hostile force; except (A) a person who at any time voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (B) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

Detention benefits.	“(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to June 25, 1950, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid being captured or interned by any such hostile force.
Rate.	“(3) The detention benefit allowed to any person under the provisions of paragraph (2) of this subsection shall be at the rate of \$60 for each calendar month during which such person was at least eighteen years of age and at the rate of \$25 per month for each calendar month during which such person was less than eighteen years of age.
Entitlement.	“(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons: “(A) widow or husband if there is no child or children of the deceased; “(B) widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares; “(C) child or children of the deceased (in equal shares) if there is no widow or dependent husband.
Certification for payment.	“(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid by the Secretary of the Treasury to the person entitled thereto, except that where any person entitled to payment under this subsection is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of this section.
Time for filing.	“(6) Each claim filed under this subsection must be filed not later than one year from whichever of the following dates last occurs: “(A) The date of enactment of this subsection; “(B) The date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or “(C) The date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States. The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.
Appropriation.	“(7) (A) There are hereby authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses. “(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and determinations and adjustments made pursuant to this subparagraph shall be final and conclusive.” (b) Subsection (a) of such section 5 is hereby amended by inserting after the words “As used in” the following: “subsections (b) and (f) of”. (c) Subsection (e) of such section 5 is hereby amended by inserting after the words “under this section” the following: “(except under subsection (g))”.

62 Stat. 1242.
50 U.S.C. app.
2004(a).

66 Stat. 49.
50 U.S.C. app.
2004(e).

SEC. 2. (a) The subsection (d) of section 6 of the War Claims Act of 1948, as amended (50 App. U. S. C., sec. 2005), which was added to such section by Public Law 304, Eighty-second Congress, is hereby redesignated as subsection (f).

(b) Such section 6 is hereby amended by inserting immediately after the subsection (d) which was added to such section by Public Law 303, Eighty-second Congress, the following new subsection:

“(e) (1) As used in this subsection the term ‘prisoner of war’ means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time subsequent to June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to the date of enactment of this subsection, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force.

“(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of \$1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

“(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

“(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

“(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term ‘inhumane treatment’ as used herein shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57 of the Geneva Convention of July 27, 1929.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of \$1.50 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) or the inhumane treatment described in subparagraph (B). In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of \$1.50 with respect to any one day.

“(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by paragraph (4) of subsection (d) of this section.

66 Stat. 49.

Prisoners of war.

66 Stat. 47.

Compensation,
etc.

47 Stat. 2021.

47 Stat. 2040.

47 Stat. 2031-
2050, *passim*.Certification for
payment.66 Stat. 47.
50 U.S.C. app.
2005(d).

Time for filing.

"(5) Each claim filed under this subsection must be filed not later than one year from whichever of the following dates last occurs:

"(A) The date of enactment of this subsection;

"(B) The date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

"(C) The date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

"(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

Appropriation.

"(7) (A) There are hereby authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

Administrative expenses.
Adjustments.

"(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and determinations and adjustments made pursuant to this subparagraph shall be final and conclusive."

62 Stat. 1240; 64 Stat. 449.

SEC. 3. (a) Subsections (a) and (e) of section 2 of the War Claims Act of 1948, as amended (50 App. U. S. C., Sec. 2001), are hereby repealed, and subsections (b), (c), and (d) of such section are hereby redesignated as subsections (a), (b), and (c), respectively.

62 Stat. 1241.
50 U. S. C. app. 2001.

(b) The first sentence of the subsection herein redesignated as subsection (a) is hereby amended by striking out "The Commission" and inserting in lieu thereof the following: "The Foreign Claims Settlement Commission of the United States (hereinafter referred to as the 'Commission')".

Approved August 21, 1954.

Public Law 616

CHAPTER 785

AN ACT

August 21, 1954
[H. R. 9889]

To authorize the Secretary of the Interior to execute an amendatory contract with American Falls Reservoir District Numbered 2, Idaho, and for other purposes.

American Falls
Reservoir Dis-
trict No. 2, Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to execute on behalf of the United States the amendatory contract with American Falls Reservoir District Numbered 2, Idaho, negotiated pursuant to section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187, 1192; 43 U. S. C., 1946 edition, sec. 485f), and approved by the district's electors on June 29, 1954.

Repeal.

SEC. 2. All beginning with the first "Provided" under the subheading "Minidoka project, American Falls Reservoir, Idaho" under the heading "Bureau of Reclamation" of the Act of January 12, 1927 (44 Stat. 934, 958), is hereby repealed.

Supplementary law.

SEC. 3. This Act is declared to be a supplement to the Federal Reclamation Laws.

Approved August 21, 1954.

Public Law 617

CHAPTER 786

AN ACT

To provide for the conveyance of certain real property to the town of Beaufort, North Carolina.

August 21, 1954
[H. R. 9406]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey to the town of Beaufort, North Carolina, upon payment by such town of \$1, all of the right, title, and interest of the United States in and to that certain piece or parcel of land lying and being in such town, bounded and particularly described as follows:

Beaufort, N. C.
Conveyance.

Beginning at a point which is south twenty-three degrees twenty minutes west fifty feet from the center of the Beaufort-Lennoxville Road, which point also is north sixty-six degrees fifty-five minutes west fifty feet from the center line of the road connecting Front Street and Lennoxville Road, and running thence north sixty-six degrees fifty-five minutes west one hundred and fifty feet; thence south twenty-three degrees twenty minutes west four hundred sixteen and seven-tenths feet, more or less, to the high-water line of Taylor's Creek; thence southeastwardly, with and along the high-water line of Taylor's Creek one hundred fifty and five-tenths feet, more or less, to a point fifty feet in the direction north sixty-six degrees fifty-five minutes west from the center line of the road connecting Front Street and the Lennoxville Road projected to Taylor's Creek; thence north twenty-three degrees twenty minutes east four hundred forty-two and four-tenths feet, more or less, to the point of beginning, excepting from the foregoing description that portion of Front Street embraced therein, the same being described as follows: Beginning at a point which is south twenty-three degrees twenty minutes west three hundred ninety-two and four-tenths feet from the center line of the Beaufort-Lennoxville Road, which point also is north sixty-six degrees fifty-five minutes west fifty feet from the center line of the road connecting Front Street and Lennoxville Road, and runs thence north sixty-one degrees twenty-five minutes west one hundred fifty and five-tenths feet; thence south twenty-three degrees twenty minutes west sixty feet; thence south sixty-one degrees twenty-five minutes east one hundred fifty and five-tenths feet; thence north twenty-three degrees twenty minutes east sixty feet to the point of beginning, being shown on map entitled "Property of United States Coast Guard and or United States Navy Department, Beaufort, North Carolina."

Approved August 21, 1954.

Public Law 618

CHAPTER 822

AN ACT

To amend the Army-Navy Medical Services Corps Act of 1947 (61 Stat. 734), as amended, so as to authorize the appointment of a Chief of the Medical Service Corps of the Navy, and for other purposes.

August 23, 1954
[H. R. 2224]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Army-Navy Medical Services Corps Act of 1947, as amended, is further amended by adding to title II the following new section:

Navy.
61 Stat. 738.
34 USC 30j.

"SEC. 208. (a) There shall be a Chief of the Medical Service Corps, appointed by the Secretary of the Navy upon recommendation of the Surgeon General of the Navy, for a term of not more than four years, from among officers of the active list of that corps of the permanent rank of lieutenant commander or above, to serve at the pleasure of the

Chief, Medical
Service Corps.
Appointment.

Secretary. While so serving the officer shall have the rank of captain in the Navy and shall receive the pay and allowances now or hereafter prescribed by law for that rank and his permanent status as a commissioned officer of the Medical Service Corps shall not be disturbed by reason of such appointment.

Retired pay.

“(b) An officer of the Medical Service Corps who is retired for any reason while serving as Chief of the Medical Service Corps, or who having so served for two and one-half years or more is subsequently retired while serving in a lower grade, may, in the discretion of the President, be retired with the rank held by him while serving as Chief of the Medical Service Corps and with retired pay based on the active-duty pay of that rank.”

Approved August 23, 1954.

Public Law 619

CHAPTER 823

August 23, 1954
[H. R. 6280]

AN ACT

To extend temporarily the rights of priority of nationals of Japan and certain nationals of Germany with respect to applications for patents.

Japanese and
German nationals.
Patents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rights of priority specified in section 1 of Public Law 690, Seventy-ninth Congress, approved August 8, 1946 (60 Stat. 940), which arose before April 1, 1950, are hereby extended, with respect to inventions made subsequent to January 1, 1946, in favor of nationals of Japan, and of nationals of Germany, excluding persons residing in or subject to the jurisdiction of the zone of Germany occupied by the Union of Soviet Socialist Republics, the Soviet sector of Berlin or other areas of Germany under Soviet or Polish administration, to a date nine months after the enactment of this Act, subject to the conditions and limitations specified in sections 1, 4, 10, 12, and 15 of said Public Law 690.

For the purpose of this Act, the phrase “passage of this Act” in said Public Law 690 shall be understood to refer to the date of enactment of the present Act.

Approved August 23, 1954.

Public Law 620

CHAPTER 824

August 23, 1954
[H. R. 6885]

AN ACT

To amend section 1 of Joint Resolution 12 enacted by the Twenty-fifth Legislature of the Territory of Hawaii, in the regular session of 1949 and approved by the Eighty-first Congress of the United States of America at the second session (Public Law 746, chapter 833).

Hawaii.
Homestead
leases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of Joint Resolution 12 enacted by the Legislature of the Territory of Hawaii in the regular session of 1949 and approved by the Eighty-first Congress of the United States of America, at the second session, Public Law 746, chapter 833, be amended as follows:

64 Stat. 572.

“SECTION 1. A fee simple patent shall be issued to every lessee under a nine hundred and ninety-nine year homestead lease of public lands where such lands have been improved under such lease or pursuant to a prior certificate of occupation and have been occupied as a place of residence by the lessee under such lease or under such lease and certificate of occupation for an aggregate continuous period of not less than ten years, upon the payment to the commissioner of public lands of a

fair price, disregarding the value of the improvements made by the lessee, which price shall be determined by three disinterested citizens to be appointed by the Governor."

SEC. 2. This Act shall take effect upon its approval.

Approved August 23, 1954.

Effective date.

Public Law 621

CHAPTER 825

AN ACT

To authorize certain property transactions in Cocoli, Canal Zone, and for other purposes.

August 23, 1954
[H. R. 7334]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Canal Zone Government and the Panama Canal Company, respectively, are authorized to transfer to the Department of the Navy, without exchange of funds, all or so much of the facilities, buildings, structures, and improvements of the respective transferor agencies situated at or within the town of Cocoli, Canal Zone, as may be mutually acceptable for transfer. Such facilities, buildings, structures, and improvements may be used, among other things, for occupancy by civilian personnel in accordance with the provisions of the Act of March 5, 1928 (ch. 126, 45 Stat. 193), and by personnel of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service and their dependents on a rental basis without forfeiture of any rental allowances, including occupancy in accordance with the provisions of the Act of July 2, 1945 (ch. 227, 59 Stat. 316): *Provided*, That upon any transfer by the Canal Zone Government under this Act, the capital investment in the transferred facilities, buildings, structures, and improvements shall be eliminated from the investment of the United States in the Canal Zone Government, but shall not be included in the costs of operation of that agency: *And provided further*, That transfers made by the Panama Canal Company under this Act shall be subject to the provisions of section 246 of title 2 of the Canal Zone Code, as added by the Act of June 29, 1948 (ch. 706, sec. 2, 62 Stat. 1076).

Approved August 23, 1954.

Housing facilities at Cocoli, C.Z.
Transfer to Navy.

5 USC 75a.

37 USC 111a.

Public Law 622

CHAPTER 826

AN ACT

To authorize the Secretary of the Navy to dispose of certain uncompleted naval vessels, and for other purposes.

August 23, 1954
[H. R. 8570]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to scrap the uncompleted naval vessels Castle (DD-720) and Woodrow R. Thompson (DD-721) and in his discretion to dispose of the materials therefrom by sale or to retain any such materials for further naval use.

SEC. 2. The action of the Department of the Navy in scrapping the uncompleted naval vessels Hoel (DD-768) and Abner Read (DD-769), prior to the enactment of the Act of June 19, 1948 (62 Stat. 492, ch. 521), which authorized the suspension of construction of these vessels, is hereby ratified.

Naval vessels.
Disposal of certain.

SEC. 3. The proviso of title III of the Second Supplemental Surplus Appropriation Rescission Act, 1946, under the heading "Increase and Replacement of Naval Vessels" (60 Stat. 227), in the discretion of the President shall not apply to the "Lancetfish" (SS-296) and "Turbot" (SS-427).

Approved August 23, 1954.

Public Law 623

CHAPTER 827

August 23, 1954
[S. 3028]

AN ACT

To require the Postmaster General to reimburse postmasters of discontinued post offices for equipment owned by the postmaster.

Postmasters.
Reimbursement
for equipment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a post office is discontinued, the Postmaster General shall reimburse the postmaster of such discontinued post office, on a fair and equitable basis, for any fixtures and equipment in use in such post office at the time of discontinuance, which were furnished by such postmaster out of personal funds and which were necessary to the efficient operation of such post office.

Appropriation.

SEC. 2. That there is hereby authorized to be appropriated such amount each year as may be necessary to enable the Postmaster General to make reimbursement to postmasters of discontinued post offices under the provisions of this Act, except a post office of the fourth class.

Approved August 23, 1954.

Public Law 624

CHAPTER 828

August 23, 1954
[H. J. Res. 359]

JOINT RESOLUTION

Designating the period from October 11 to October 16, inclusive, 1954, as National Nurse Week.

Whereas the nursing profession plays a vital role in the health care of the Nation; and

Whereas a continued renewal and extension of its ranks through the attraction of young people to the profession is of the first importance to the Nation's future health and welfare; and

Whereas there are many problems facing the nursing profession which can only be solved through the aid of an informed and sympathetic public; and

Whereas it is proper and fitting that national attention and recognition should be focused on the great contributions, past and present, that the nursing profession in all its branches has made to the national welfare and security: Therefore be it

National Nurse
Week, 1954.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period beginning October 11, 1954, and ending October 16, 1954, is hereby designated as National Nurse Week, in honor of the professional nurses of America and in recognition of the vitally important service they have faithfully rendered in the promotion of the national health and welfare. The President is authorized and requested to issue a proclamation calling upon all the people of the United States to cooperate in the observance of such week.

Approved August 23, 1954.

Public Law 625

CHAPTER 829

AN ACT

To authorize payment for losses sustained by owners of wells in the vicinity of Cold Brook Dam by reason of the lowering of the level of water in such wells as a result of the construction of Cold Brook Dam.

August 23, 1954
[S. 546]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, through the Chief of Engineers, is authorized and directed to compensate the owners of water wells in the vicinity of Cold Brook Dam in South Dakota for losses determined by him to have been sustained by reason of the lowering of the level of water in such wells as a result, wholly or partially, of the construction and operation of Cold Brook Dam. Losses compensable under this Act shall include, but not be limited to, (1) the expense of improving or replacing the affected wells so that an amount of water equal to the amount previously obtainable from the affected wells will be available to the owners; (2) the expense of maintaining an adequate supply of water pending the completion of the improvement or replacement of the affected wells; and (3) injuries to property resulting from the lack of an adequate supply of water pending the completion of the improvement or replacement of the affected wells.

Cold Brook Dam,
S. Dak.
Water level dam-
ages.

SEC. 2. Claims for losses compensable under this Act shall be submitted to the Secretary of the Army, through the Chief of Engineers, in such form and in such manner as the Secretary may prescribe. Any such claim shall be submitted not later than two years after the date of enactment of this Act, or not later than two years after the lowering of the level of water which is the basis for the claim, whichever is the later.

Claims.

SEC. 3. Payment of claims for losses compensable under this Act shall be made by the Secretary of the Army out of any funds available for flood control.

Payment.

Approved August 23, 1954.

Public Law 626

CHAPTER 830

AN ACT

To amend section 32 of the Trading With the Enemy Act, as amended.

August 23, 1954
[S. 2420]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 32 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, is hereby further amended by adding at the end thereof the following subsection:

Trading With
Enemy Act, amend-
ment.
60 Stat. 50.
50 USC app. 32.

“(h) The President may designate one or more organizations as successors in interest to deceased persons who, if alive, would be eligible to receive returns under the provisos of subdivision (C) or (D) of subsection (a) (2) thereof. An organization so designated shall be deemed a successor in interest by operation of law for the purpose of subsection (a) (1) hereof. Return may be made, to an organization so designated, (a) before the expiration of two years from the vesting of the property or interest in question, if the President or such officer or agency as he may designate determines from all relevant facts of which he is then advised that there is no basis for reasonable doubt that the former owner is dead and is survived by no person eligible under section 32 to claim as successor in interest by inheritance, devise, or bequest; and (b) after the expiration of

Heirless perse-
cuted assets.

such time, if no claim for the return of the property or interest is pending. Total returns pursuant to this subsection shall not exceed \$3,000,000.

Notice of claim,
etc.

"No return may be made to an organization so designated unless it files notice of claim before the expiration of one year from the effective date of this Act and unless it gives firm and responsible assurance approved by the President that (i) the property or interest returned to it or the proceeds of any such property or interest will be used on the basis of need in the rehabilitation and settlement of persons in the United States who suffered substantial deprivation of liberty or failed to enjoy the full rights of citizenship within the meaning of subdivisions (C) and (D) of subsection (a) (2) hereof; (ii) it will transfer, at any time within two years from the time that return is made, such property or interest or the equivalent value thereof to any person whom the President or such officer or agency shall determine to be eligible under section 32 to claim as owner or successor in interest to such owner, by inheritance, devise, or bequest; (iii) it will make to the President, with a copy to be furnished to the Congress, such reports (including a detailed annual report on the use of the property or interest returned to it or the proceeds of any such property or interest) and permit such examination of its books as the President or such officer or agency may from time to time require; and (iv) will not use such property or interest or the proceeds of such property or interest for legal fees, salaries or any other administrative expenses connected with the filing of claims for or the recovery of such property or interest.

60 Stat. 925.
50 USC app. 34.

"Organization".

"The filing of notice of claim by an organization so designated shall not bar the payment of debt claims under section 34 of this Act.

"As used in this subsection, 'organization' means only a nonprofit charitable corporation incorporated on or before January 1, 1950, under the laws of any State of the United States or of the District of Columbia with the power to sue and be sued."

60 Stat. 925.
50 USC app. 33.

SEC. 2. The first sentence of section 33 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, is hereby amended by striking out the period at the end of such sentence, and inserting in lieu thereof a semicolon and the following: "except that return may be made to successor organizations designated pursuant to section 32 (h) hereof if notice of claim is filed before the expiration of one year from the effective date of this Act."

Approved August 23, 1954.

Public Law 627

CHAPTER 831

AN ACT

August 23, 1954
[S. 2744]

To provide for the termination of Federal supervision over the property of the Alabama and Coushatta Tribes of Indians of Texas, and the individual members thereof; and for other purposes.

Alabama and
Coushatta Tribes,
Tex.
Termination of
Federal supervi-
sion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey to the State of Texas the lands held in trust by the United States for the tribe of Indians organized and known as the Alabama and Coushatta Tribes of Texas, located in Polk County, Texas; and such tribe is authorized to convey to the State of Texas the lands purchased for and deeded to the Alabama Indians in accordance with an act of the legislature of the State of Texas approved February 3, 1854, located in Polk County, Texas. All of the lands so conveyed shall be held by the State of Texas in

trust for the benefit of the Indians of the Alabama and Coushatta Tribes of Texas, subject to such conditions regarding management and use as the State of Texas may prescribe and the disposition of such lands shall be subject to approval of a majority of the adult members of the Alabama and Coushatta Tribes of Texas.

SEC. 2. Upon the conveyance to the State of Texas of the lands held in trust by the United States for the Alabama and Coushatta Tribes of Texas, the Secretary of the Interior shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to such tribe and its members has terminated. Thereafter such tribe and its members shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians: *Provided*, That after the date of this Act such Indians shall be eligible for admission, on the same terms that apply to other Indians, to hospitals and schools maintained by the United States.

Federal trust
termination.
Publication in
FR.

SEC. 3. Effective on the date of the proclamation provided for in section 2 of this Act, all powers of the Secretary of the Interior or any other officer of the United States to take, review, or approve any action under the constitution and bylaws of the Alabama and Coushatta Tribes of Texas approved on August 19, 1938, pursuant to the Act of June 18, 1934 (48 Stat. 984), are terminated. Any powers conferred upon the tribe by its constitution and bylaws that are inconsistent with the provisions of this Act are terminated. Such termination shall not affect the power of the tribe to take any action under its constitution and bylaws that is consistent with this Act without the participation of the Secretary or other officer of the United States in such action.

25 USC 461-479.

SEC. 4. The indebtedness of the Alabama and Coushatta Tribes of Texas to the United States incurred under the provisions of the Act of May 29, 1928 (45 Stat. 883, 900), is canceled, effective on the date of the proclamation to be issued in accordance with the provisions of section 2 of this Act.

Cancellation of
indebtedness.

SEC. 5. The corporate charter of the Alabama and Coushatta Tribes of Texas issued pursuant to the Act of June 18, 1934 (48 Stat. 984), ratified on October 17, 1939, is revoked, effective on the date of the proclamation to be issued in accordance with the provisions of section 2 of this Act.

Revocation of
charter.
25 USC 461-479.

SEC. 6. On and after the date of the proclamation to be issued in accordance with the provisions of section 2 of this Act, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the Alabama and Coushatta Tribes of Texas or the members thereof, except as provided in section 2 of this Act, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

Applicability of
State laws.

SEC. 7. Nothing in this Act shall affect the status of the members of the tribes as citizens of the United States.

Citizenship sta-
tus.

SEC. 8. The Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 387), shall not apply to the tribe and its members after the date of the proclamation to be issued in accordance with the provisions of section 2 of this Act.

49 Stat. 378.
25 USC 461-479.

Approved August 23, 1954.

Public Law 628

CHAPTER 832

JOINT RESOLUTION

Authorizing the erection of a memorial gift from the people of the Netherlands.

August 23, 1954
[H. J. Res. 356]

Resolved by the Senate and House of Representatives of the United

Memorial gift
from the Nether-
lands.

States of America in Congress assembled, That the Government of the Netherlands is authorized to erect a memorial carillon tower and install carillon bells on public ground under the administration of the Secretary of the Interior, as a gift to the people of the United States from the people of the Netherlands in gratitude for the generosity of the people of the United States for the aid and assistance rendered to the people of the Netherlands in times of national emergency.

SEC. 2. The design and site of such memorial shall be approved by the Secretary of the Interior, and the United States shall be put to no expense in or by the erection of this memorial.

SEC. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of such memorial is commenced within five years after the date of the passage of this joint resolution, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial.

Approved August 23, 1954.

Public Law 629

CHAPTER 833

August 23, 1954
[S. 3379]

AN ACT

To amend section 4 of the Flammable Fabrics Act, with respect to standards of flammability in the case of certain textiles.

Flammability
standards.
67 Stat. 112.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Flammable Fabrics Act (15 U. S. C., sec. 1193) is hereby amended by inserting at the end thereof the following subsection:

“(c) Notwithstanding the provisions of paragraph 3.1 Commercial Standard 191-53, textiles free from nap, pile, tufting, flock, or other type of raised fiber surface when tested as described in said standard shall be classified as class 1, normal flammability, when the time of flame spread is three and one-half seconds or more, and as class 3, rapid and intense burning, when the time of flame spread is less than three and one-half seconds.”

Approved August 23, 1954.

Public Law 630

CHAPTER 834

August 23, 1954
[S. 3487]

AN ACT

To authorize the Central Bank for Cooperatives and the regional banks for cooperatives to issue consolidated debentures, and for other purposes.

Banks for co-
operatives.
48 Stat. 263.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 37 of the Farm Credit Act of 1933, as amended (title 12, U. S. C., 1134m), is hereby amended by substituting the word “paragraph” for the word “section” in the next to the last sentence thereof and by adding thereto the following new paragraph:

Consolidated
debentures.

“When the Central Bank for Cooperatives and the regional banks for cooperatives shall by resolutions consent thereto, consolidated debentures of the thirteen banks for cooperatives may be issued in the manner and form and on terms and conditions approved by the Farm Credit Administration. There shall be a debenture committee comprised of the presidents of the twelve regional banks for cooperatives and the chief executive officer of the Central Bank for Cooperatives

Committee.

which shall exercise with respect to such consolidated debentures powers and functions equivalent to the powers and functions of the Bond Committee of the Federal Land Banks as authorized by the Federal Farm Loan Act, as amended, and shall operate in accordance with the provisions of law applicable to such Bond Committee (title 12, U. S. C., 883–886). Such debentures shall be made payable at any of the banks for cooperatives and may be made payable at any Federal Reserve bank or banks designated on the face of the debentures. Such debentures shall be the joint and several obligations of the Central Bank for Cooperatives and of the regional banks for cooperatives, and each of such banks is hereby authorized and directed to take such action as is necessary to become obligated for such debentures. The debentures shall be secured by collateral which shall be at least equal in value to the amount of debentures outstanding and which shall consist of cash, direct obligations of the United States, or notes or other obligations discounted or purchased or representing loans made under sections 34 and 41, as amended (title 12, U. S. C., 1134j, 1134c). The Farm Credit Administration shall appoint a custodian or custodians of such collateral who shall have power subject to such rules and regulations as the Administration may prescribe to approve and accept substitutions of collateral. The total amount of such consolidated debentures plus any outstanding individual debentures of the Central Bank which may be issued and outstanding at any time shall not exceed eight times the capital and surplus of the Central and regional banks for cooperatives. The provisions of law made applicable by the preceding paragraph to the preparation and issue of debentures by the Central Bank for Cooperatives shall govern the preparation and issue of debentures under this paragraph and they shall be signed by the Governor of the Farm Credit Administration and attested by any deputy governor. Insofar as applicable, the provisions of the Federal Farm Loan Act, as amended, relative to the call for additional security and failure of any bank to pay its proportion of interest or principal shall apply to the consolidated debentures of the banks for cooperatives. Debentures issued under the provisions of this Act by banks for cooperatives shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits.”

39 Stat. 360; 42
Stat. 1454.
12 USC 641.

50 Stat. 717; 63
Stat. 1059, 1058.

SEC. 2. The last sentence of paragraph Seven of section 5136 of the Revised Statutes, as amended (title 12, U. S. C., 24), is hereby amended by striking the words “Central Bank for Cooperatives” and inserting in lieu thereof the following: “thirteen banks for cooperatives organized under the Farm Credit Act of 1933, or any of them”.

12 USC 639 note.

Approved August 23, 1954.

Public Law 631

CHAPTER 835

AN ACT

To authorize the replacement of certain Government-owned utility facilities at Glacier National Park, Montana, and Grand Canyon National Park, Arizona.

August 23, 1954
[S. 3816]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of facilitating the installation of adequate electric and communication facilities at Glacier National Park and Grand Canyon National Park, the Secretary of the Interior is authorized to exchange, on an equal value basis, the existing inadequate facilities at these parks for more modern and efficient facilities.

Approved August 23, 1954.

Public Law 632

CHAPTER 836

August 23, 1954
[H. R. 1974]

AN ACT

To amend the third paragraph of section 4, chapter 1, title I, of the Act entitled "An Act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900 (31 Stat. 322; 48 U. S. C., sec. 101), as amended.

Alaska.
Judicial division
boundaries.

41 Stat. 1203.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third paragraph of section 4, chapter 1, title I, of the Act entitled "An Act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900 (31 Stat. 322; 48 U. S. C., sec. 101), as amended, is amended to read as follows:

"Division numbered 2 shall consist of all territory, and islands, lying north and west of a line commencing in the Beaufort Sea at latitude seventy degrees thirty minutes north, longitude one hundred and forty-eight degrees west; thence in a southwesterly direction to latitude seventy degrees north, longitude one hundred and forty-eight degrees fifty minutes west; thence south along the meridian of one hundred and forty-eight degrees fifty minutes to latitude sixty-nine degrees thirty minutes; thence southerly to latitude sixty-nine degrees, longitude one hundred and forty-nine degrees; thence southwesterly to a point on the divide between the waters flowing to the Beaufort Sea and those flowing to the Bering Sea, approximate latitude sixty-eight degrees nine minutes, longitude one hundred and forty-eight degrees fifty-seven minutes; thence southwesterly along the divide between the waters of the Colville River, Kotzebue Sound, and the east end of Norton Sound on the north and west and the waters of the Yukon on the south to the one hundred and sixty-first meridian of west longitude, thence along said meridian to latitude sixty-one degrees thirty minutes; thence southwesterly to latitude sixty-one degrees, longitude one hundred and sixty-five degrees thirty minutes; thence south along the meridian of one hundred and sixty-five degrees thirty minutes to latitude fifty-eight degrees; thence west to the international boundary."

41 Stat. 1204.

SEC. 2. The fifth paragraph of said section as amended, is amended by striking the words "one hundred and forty-eighth meridian of west longitude" and inserting in lieu thereof the words "boundary of the second division".

Approved August 23, 1954.

Public Law 633

CHAPTER 837

August 23, 1954
[H. R. 1976]

AN ACT

To amend title 28, United States Code, to permit the registration of judgments in or from the District Court for the Territory of Alaska.

Alaska.
62 Stat. 958.
Registration of
judgments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1963 of title 28, United States Code, is hereby amended to read as follows:

"A judgment in an action for the recovery of money or property now or hereafter entered in any district court which has become final by appeal or expiration of time for appeal may be registered in any other district by filing therein a certified copy of such judgment. A judgment so registered shall have the same effect as a judgment of the district court of the district where registered and may be enforced in like manner.

"A certified copy of the satisfaction of any judgment in whole or in part may be registered in like manner in any district in which the judgment is a lien.

"For the purpose of this section only, 'district' as used herein shall include the Territory of Alaska, and 'district court' as used herein shall include the District Court for the Territory of Alaska."

Approved August 23, 1954.

Public Law 634

CHAPTER 838

AN ACT

To authorize the Secretary of the Interior to investigate and report to the Congress on the conservation, development, and utilization of the irrigation and reclamation resources of the Waimanalo, Oahu; Waimea, Island of Hawaii; and Molokai projects, Territory of Hawaii.

August 23, 1954
[H. R. 2843]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of encouraging and promoting the development of the Waimanalo, Oahu; Waimea, Island of Hawaii; and Molokai projects, Territory of Hawaii, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make an investigation relating to the conservation, development, and utilization of the irrigation and reclamation resources of the Waimanalo, Oahu; Waimea, Island of Hawaii; and Molokai projects, Territory of Hawaii, and to report thereon, with appropriate recommendations to the President and the Congress.

Hawaii.
Water resources.

Report to Congress.

SEC. 2. Prior to the transmission of any such report on a project to the Congress, the Secretary shall transmit copies thereof for information and comment to the Governor of Hawaii, or to such representative as may be named by him, and to the heads of interested Federal departments and agencies. The written views and recommendations of the aforementioned officials may be submitted to the Secretary within ninety days from the day of receipt of said proposed report. The Secretary may thereafter transmit to the Congress, with such comments and recommendations as he deems appropriate, his report, together with copies of the views and recommendations received from the aforementioned officials. The letter of transmittal and its attachments shall be printed as a House or Senate Document.

Approved August 23, 1954.

Public Law 635

CHAPTER 839

AN ACT

To amend the Canal Zone Code in reference to the survival of things in action.

August 23, 1954
[H. R. 4881]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 3 of the Canal Zone Code, approved June 19, 1934 (48 Stat. 1122), is amended by adding, in article 2 of chapter 18 thereof, two new sections numbered 373 and 374, respectively, and reading as follows:

Canal Zone.
Survival of things
in action.

"§ 373. Survival of thing in action after death of tortfeasor or other person liable

"No thing in action sounding in tort, arising after the date of enactment of this section, shall be lost because of the death of the tortfeasor

or other person liable. On any such thing in action an action may be brought or continued against the personal representative of the deceased person, but punitive or exemplary damages shall not be awarded nor penalties adjudged in any such action. This section shall extend to a thing in action for wrongfully causing death arising under section 131 of title 4, and an action under said section 131 may be brought or continued against the personal representative of the tortfeasor or other person liable. Where a thing in action arises simultaneously with or after the death of the tortfeasor or other person who would have been liable if his death had not occurred simultaneously with the act, omission, circumstance, or event giving rise to such thing in action, or had not intervened between the wrongful act, omission, circumstances, or event and the coming into being of the thing in action, an action to enforce such thing in action may be maintained against the personal representative of such tortfeasor or other person. Nothing in this section shall be construed as authorizing the transfer of any thing in action arising out of any tort against the person.

“§ 374. Survival of thing in action after death of person injured

“No thing in action sounding in tort, arising after the date of enactment of this section, shall be lost because of the death of the person in whose favor the thing in action arose. On any such thing in action an action may be brought or continued by the personal representative of the deceased person. The damages recovered in any action under this section shall form a part of the estate of the deceased. No thing in action for damages caused by any injury or wrong to a third person shall be lost because of the death of such third person. If an action be brought for physical injuries to a person, and a separate action be brought for his wrongful death arising out of the same wrongful act, omission, circumstance, or event, such actions shall be consolidated for trial on the motion of any interested party: *Provided, however,* That the award of damages appertaining to physical injuries shall not include prospective profits or earnings after the date of death of the person injured. Nothing in this section shall be construed as authorizing the transfer of any thing in action arising out of any tort against the person.”

Approved August 23, 1954.

Public Law 636

CHAPTER 840

AN ACT

August 23, 1954
[S.1184]

To authorize relief of authorized certifying officers from exceptions taken to payments pertaining to terminated war agencies in liquidation by the Department of State.

Certain State Department certifying officers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized and directed to allow credit in the accounts of authorized certifying officers of terminated war agencies, in process of liquidation by the Department of State at the time of the enactment of this Act, for the amounts of suspensions and disallowances, which have been, or may be, raised by the General Accounting Office on account of payments made in accordance with vouchers certified by such certifying officers: *Provided,* That the Secretary of State or his authorized representative shall certify that in his opinion there is no evidence of fraud or collusion on the part of the certifying officers in connection with the payments.

SEC. 2. "Authorized certifying officers of terminated war agencies in process of liquidation by the Department of State" as used in this Act means certifying officers employed by terminated war agencies transferred to the Department of State for liquidation and certifying officers under the Department of State who certified payments for the activities of such terminated war agencies, or any terminated wartime activity of the Department of State from funds allocated to or made available to the Department of State by working funds or reimbursements pursuant to the provisions of section 686, title 31, United States Code, or other authority of law: *Provided, however*, That no certifying officer of the Department of State shall be released hereunder as to payments made from funds appropriated directly to the Department of State or as to payments made after the date of enactment of this Act: *Provided further*, That the authority granted under this Act shall expire not later than two years after the date of enactment of this Act.

47 Stat. 417.

Expiration.

Approved August 23, 1954.

Public Law 637

CHAPTER 886

AN ACT

To outlaw the Communist Party, to prohibit members of Communist organizations from serving in certain representative capacities, and for other purposes.

August 24, 1954
[S. 3706]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Communist Control Act of 1954".

Communist Control Act of 1954.

FINDINGS OF FACT

SEC. 2. The Congress hereby finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties, but denying to all others the liberties guaranteed by the Constitution. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear present and continuing danger to the

security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed.

PROSCRIBED ORGANIZATIONS

SEC. 3. The Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, Territory, District, or possession thereof, or the government of any political subdivision therein by force and violence, are not entitled to any of the rights, privileges, and immunities attendant upon legal bodies created under the jurisdiction of the laws of the United States or any political subdivision thereof; and whatever rights, privileges, and immunities which have heretofore been granted to said party or any subsidiary organization by reason of the laws of the United States or any political subdivision thereof, are hereby terminated: *Provided, however,* That nothing in this section shall be construed as amending the Internal Security Act of 1950, as amended.

64 Stat. 987.
50 USC 781 note.

Unlawful act.

SEC. 4. Whoever knowingly and willfully becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence, with knowledge of the purpose or objective of such organization shall be subject to all the provisions and penalties of the Internal Security Act of 1950, as amended, as a member of a "Communist-action" organization.

Definition.

(b) For the purposes of this section, the term "Communist Party" means the organization now known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof.

Evidence for determination.

SEC. 5. In determining membership or participation in the Communist Party or any other organization defined in this Act, or knowledge of the purpose or objective of such party or organization, the jury, under instructions from the court, shall consider evidence, if presented, as to whether the accused person:

(1) Has been listed to his knowledge as a member in any book or any of the lists, records, correspondence, or any other document of the organization;

(2) Has made financial contribution to the organization in dues, assessments, loans, or in any other form;

(3) Has made himself subject to the discipline of the organization in any form whatsoever;

(4) Has executed orders, plans, or directives of any kind of the organization;

(5) Has acted as an agent, courier, messenger, correspondent, organizer, or in any other capacity in behalf of the organization;

(6) Has conferred with officers or other members of the organization in behalf of any plan or enterprise of the organization;

(7) Has been accepted to his knowledge as an officer or member of the organization or as one to be called upon for services by other officers or members of the organization;

(8) Has written, spoken or in any other way communicated by signal, semaphore, sign, or in any other form of communication orders, directives, or plans of the organization;

(9) Has prepared documents, pamphlets, leaflets, books, or any other type of publication in behalf of the objectives and purposes of the organization;

(10) Has mailed, shipped, circulated, distributed, delivered, or in any other way sent or delivered to others material or propaganda of any kind in behalf of the organization;

(11) Has advised, counseled or in any other way imparted information, suggestions, recommendations to officers or members of the organization or to anyone else in behalf of the objectives of the organization;

(12) Has indicated by word, action, conduct, writing or in any other way a willingness to carry out in any manner and to any degree the plans, designs, objectives, or purposes of the organization;

(13) Has in any other way participated in the activities, planning, actions, objectives, or purposes of the organization;

(14) The enumeration of the above subjects of evidence on membership or participation in the Communist Party or any other organization as above defined, shall not limit the inquiry into and consideration of any other subject of evidence on membership and participation as herein stated.

SUBVERSIVE ACTIVITIES CONTROL ACT AMENDMENT

SEC. 6. Subsection 5 (a) (1) of the Subversive Activities Control Act of 1950 (50 U. S. C. 784) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "or

Unlawful act.
64 Stat. 992.

"(E) to hold office or employment with any labor organization, as that term is defined in section 2 (5) of the National Labor Relations Act, as amended (29 U. S. C. 152), or to represent any employer in any matter or proceeding arising or pending under that Act."

61 Stat. 138.

COMMUNIST-INFILTRATED ORGANIZATIONS

SEC. 7. (a) Section 3 of the Subversive Activities Control Act of 1950 (50 U. S. C. 782) is amended by inserting, immediately after paragraph (4) thereof, the following new paragraph:

Definitions.

"(4A) The term 'Communist-infiltrated organization' means any organization in the United States (other than a Communist-action organization or a Communist-front organization) which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within three years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title, and (B) is serving, or within three years has served, as a means for (i) the giving of aid or support to any such organization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces: *Provided, however,* That any labor organization which is an affiliate in good standing of a national federation or other labor organization whose policies and activities have been directed to opposing Communist organizations, any Communist foreign government, or the world Communist movement, shall be presumed *prima facie* not to be a 'Communist-infiltrated organization'."

(b) Paragraph (5) of such section is amended to read as follows:

"(5) The term 'Communist organization' means any Communist-action organization, Communist-front organization, or Communist-infiltrated organization."

Repeals.
50 USC 784(c),
785(c).
Mailing require-
ments, etc.

Taxes.

Subversive Ac-
tivities Control
Board.

(c) Subsections 5 (c) and 6 (c) of such Act are repealed.

SEC. 8. (a) Section 10 of such Act (50 U. S. C. 789) is amended by inserting, immediately after the words "final order of the Board requiring it to register under section 7", the words "or determining that it is a Communist-infiltrated organization".

(b) Subsections (a) and (b) of section 11 of such Act (50 U. S. C. 790) are amended by inserting immediately preceding the period at the end of each such subsection, the following: "or determining that it is a Communist-infiltrated organization".

SEC. 9. (a) Subsection 12 (e) of such Act (50 U. S. C. 791) is amended by—

(1) striking out the period at the end thereof and inserting in lieu thereof a semicolon and the word "and"; and

(2) inserting at the end thereof the following new paragraph:

"(3) upon any application made under subsection (a) or subsection (b) of section 13A of this title, to determine whether any organization is a Communist-infiltrated organization."

(b) The section caption to section 13 of such Act (50 U. S. C. 792) is amended to read as follows: "REGISTRATION PROCEEDINGS BEFORE THE BOARD".

SEC. 10. Such Act is amended by inserting, immediately after section 13 thereof, the following new section:

"PROCEEDINGS WITH RESPECT TO COMMUNIST-INFILTRATED
ORGANIZATIONS

"SEC. 13A. (a) Whenever the Attorney General has reason to believe that any organization is a Communist-infiltrated organization, he may file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-infiltrated organization. In any proceeding so instituted, two or more affiliated organizations may be named as joint respondents. Whenever any such petition is accompanied by a certificate of the Attorney General to the effect that the proceeding so instituted is one of exceptional public importance, such proceeding shall be set for hearing at the earliest possible time and all proceedings therein before the Board or any court shall be expedited to the greatest practicable extent.

"(b) Any organization which has been determined under this section to be a Communist-infiltrated organization may, within six months after such determination, file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist-infiltrated organization.

"(c) Each such petition shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within twenty days after the service of such notice.

"(d) The provisions of subsections (c) and (d) of section 13 shall apply to hearings conducted under this section, except that upon the failure of any organization named as a party in any petition filed by or duly served upon it pursuant to this section to appear at any hearing upon such petition, the Board may conduct such hearing in the absence of such organization and may enter such order under this section as the Board shall determine to be warranted by evidence presented at such hearing.

"(e) In determining whether any organization is a Communist-infiltrated organization, the Board shall consider—

"(1) to what extent, if any, the effective management of the

Evidence for de-
termination.

affairs of such organization is conducted by one or more individuals who are, or within two years have been, (A) members, agents, or representatives of any Communist organization, and Communist foreign government, or the world Communist movement referred to in section 2 of this title, with knowledge of the nature and purpose thereof, or (B) engaged in giving aid or support to any such organization, government, or movement with knowledge of the nature and purpose thereof;

"(2) to what extent, if any, the policies of such organization are, or within three years have been, formulated and carried out pursuant to the direction or advice of any member, agent, or representative of any such organization, government, or movement;

"(3) to what extent, if any, the personnel and resources of such organization are, or within three years have been, used to further or promote the objectives of any such Communist organization, government, or movement;

"(4) to what extent, if any, such organization within three years has received from, or furnished to or for the use of, any such Communist organization, government, or movement any funds or other material assistance;

"(5) to what extent, if any, such organization is, or within three years has been, affiliated in any way with any such Communist organization, government, or movement;

"(6) to what extent, if any, the affiliation of such organization, or of any individual or individuals who are members thereof or who manage its affairs, with any such Communist organization, government, or movement is concealed from or is not disclosed to the membership of such organization; and

"(7) to what extent, if any, such organization or any of its members or managers are, or within three years have been, knowingly engaged—

"(A) in any conduct punishable under section 4 or 15 of this Act or under chapter 37, 105, or 115 of title 18 of the United States Code; or

62 Stat. 736, 797, 807.

"(B) with intent to impair the military strength of the United States or its industrial capacity to furnish logistical or other support required by its armed forces, in any activity resulting in or contributing to any such impairment.

"(f) After hearing upon any petition filed under this section, the Board shall (1) make a report in writing in which it shall state its findings as to the facts and its conclusions with respect to the issues presented by such petition, (2) enter its order granting or denying the determination sought by such petition, and (3) serve upon each party to the proceeding a copy of such order. Any order granting any determination on the question whether any organization is a Communist-infiltrated organization shall become final as provided in section 14 (b) of this Act.

"(g) When any order has been entered by the Board under this section with respect to any labor organization or employer (as these terms are defined by section 2 of the National Labor Relations Act, as amended, and which are organizations within the meaning of section 3 of the Subversive Activities Control Act of 1950), the Board shall serve a true and correct copy of such order upon the National Labor Relations Board and shall publish in the Federal Register a statement of the substance of such order and its effective date.

61 Stat. 138.
29 USC 152.

50 USC 782.

Publication in
FR.

"(h) When there is in effect a final order of the Board determining that any such labor organization is a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization, such labor organization shall be ineligible to—

"(1) act as representative of any employee within the meaning or for the purposes of section 7 of the National Labor Relations Act, as amended (29 U. S. C. 157);

"(2) serve as an exclusive representative of employees of any bargaining unit under section 9 of such Act, as amended (29 U. S. C. 159);

"(3) make, or obtain any hearing upon, any charge under section 10 of such Act (29 U. S. C. 160); or

"(4) exercise any other right or privilege, or receive any other benefit, substantive or procedural, provided by such Act for labor organizations.

29 USC 167. "(i) When an order of the Board determining that any such labor organization is a Communist-infiltrated organization has become final, and such labor organization theretofore has been certified under the National Labor Relations Act, as amended, as a representative of employees in any bargaining unit—

29 USC 159. "(1) a question of representation affecting commerce, within the meaning of section 9 (c) of such Act, shall be deemed to exist with respect to such bargaining unit; and

29 USC 159. "(2) the National Labor Relations Board, upon petition of not less than 20 per centum of the employees in such bargaining unit or any person or persons acting in their behalf, shall under section 9 of such Act (notwithstanding any limitation of time contained therein) direct elections in such bargaining unit or any subdivision thereof (A) for the selection of a representative thereof for collective bargaining purposes, and (B) to determine whether the employees thereof desire to rescind any authority previously granted to such labor organization to enter into any agreement with their employer pursuant to section 8 (a) (3) (ii) of such Act.

"(j) When there is in effect a final order of the Board determining that any such employer is a Communist-infiltrated organization, such employer shall be ineligible to—

29 USC 159. "(1) file any petition for an election under section 9 of the National Labor Relations Act, as amended (29 U. S. C. 157), or participate in any proceeding under such section; or

"(2) make or obtain any hearing upon any charge under section 10 of such Act (29 U. S. C. 160); or

"(3) exercise any other right or privilege or receive any other benefit, substantive or procedural, provided by such Act for employers."

SEC. 11. Subsections (a) and (b) of section 14 of such Act (50 U. S. C. 793) are amended by inserting in each such subsection, immediately after the words "section 13", a comma and the following: "or subsection (f) of section 13A."

Separability.

SEC. 12. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Approved August 24, 1954, 9:40 a.m., M.S.T.

Public Law 638

CHAPTER 887

AN ACT

August 24, 1954
[H. R. 5314]

To extend the coverage of the Servicemen's Indemnity Act to members of the Reserve Officers' Training Corps when ordered to active training duty for periods in excess of fourteen days.

Be it enacted by the Senate and House of Representatives of the

United States of America in Congress assembled, That section 2 of the Servicemen's Indemnity Act of 1951 is amended by inserting immediately after "including the National Guard when called or ordered to active duty or active training duty for fourteen days or more;" the following: "members of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, and the Air Force Reserve Officers' Training Corps, when called or ordered to active training duty for fourteen days or more while on such active training duty;"

ROTC.
Indemnity insurance.
65 Stat. 33.
38 USC 851.

SEC. 2. The amendment made by this Act shall take effect as of April 25, 1951.

Effective date.

Approved August 24, 1954.

Public Law 639

CHAPTER 888

AN ACT

To authorize the Commissioner of Public Lands of the Territory of Hawaii to sell public lands to certain lessees, permittees, and others.

August 24, 1954
[H. R. 5832]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any provision of section 73 of the Hawaiian Organic Act, as amended, or of the Land Laws of Hawaii, as amended, to the contrary notwithstanding, the Commissioner of Public Lands of the Territory of Hawaii, with the approval of the Governor and two-thirds of the members of the Board of Public Lands, in his discretion, may transfer and convey to any applicant who is a citizen of the United States, or who has heretofore legally declared his intentions to become a citizen of the United States, upon his becoming such,

Hawaii.
Sale of lands to lessees, etc.
31 Stat. 154.
48 USC 663 note,
1509-1512.

(1) who upon the date of approval of this Act held public lands in the Territory of Hawaii, by lease or revocable permit,

(2) who on the said date, had, or whose predecessors in interest, or the combination of both, had occupied such land for an aggregate period of not less than five continuous years,

(3) who while still holding such land by lease or revocable permit, applies for a transfer and conveyance of such public land to himself, and

(4) who complies with all rules and regulations duly promulgated with regard to such public land,

not more than one-half acre of such land as was in use by the applicant for a house lot or for business purposes, or both, as the case may be, and such adjoining land as may be reasonably required for a right-of-way to a government road, upon the payment of a fair and reasonable price, which price shall be determined by a disinterested appraiser or appraisers, but not more than three, to be appointed by the Governor of Hawaii, all improvements thereon made or purchased by the applicant or his predecessors in interest to be valued at \$1.

SEC. 2. Not more than three acres of public lands immediately adjacent to any cemetery now in existence may, with the consent of such person or persons, if any, as could qualify under section 1 for the purchase of said land, be sold to the owner or owners of said cemetery. This Act, with the exception of paragraphs (1), (2), and (3) of section 1, shall apply to any such sale made to the owner or owners of a cemetery.

Cemetery owners.

SEC. 3. In the case of an applicant giving his consent to a sale to a cemetery pursuant to section 2, or when the Commissioner of Public Lands shall deem it to be in the public interest, he may substitute in place of the lands used by the applicant, or in place of the portion thereof requested by him, as the case may be, other appropriate public lands of no greater area or value, the applicant to bear the cost of the relocation on the substituted land of any improvements.

Restriction.

SEC. 4. No sale shall be made hereunder to any applicant who has already acquired public land pursuant to the provisions of this Act, or to any applicant whose application is not filed within two years from the date of approval of this Act, or such shorter period as shall be specified by rule or regulation.

Definition.

SEC. 5. The term "predecessor in interest" includes any individual or individuals, partnership, corporation, or other legal entity, and in the case of an applicant who is a permittee under a revocable permit shall include such applicant occupying under a lease or a sublease immediately prior to the issuance of the revocable permit and the person from whom the applicant acquired such lease or sublease.

Approved August 24, 1954.

Public Law 640

CHAPTER 889

August 24, 1954
[H. R. 5997]

AN ACT

To enable the Legislature of the Territory of Hawaii to authorize the issuance of general obligation bonds, the proceeds thereof to be used for veterans' mortgages.

Hawaii.
General obliga-
tion bonds.
31 Stat. 141.
48 USC 491.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislature of the Territory of Hawaii, any provision of the Hawaiian Organic Act, or any law of the Territory of Hawaii, or of any Act of this Congress to the contrary notwithstanding, may authorize the issuance of general obligation bonds in the amount of \$20,000,000, such authorization to be over and above any limitation on the bonded debt of the Territory imposed by the Hawaiian Organic Act and in addition to all other issues in excess of said debt limitation authorized by the Congress: *Provided, however,* That the total indebtedness of such Territory shall not exceed \$95,000,000. The proceeds of such bonds shall be used for the purchase of mortgages made on or after July 1, 1954, or for the making of mortgages, on homes and farms of veterans within the Territory of Hawaii.

Limitation.

SEC. 2. The bonds issued under the authority of this Act shall be serial bonds, payable in substantially equal installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

SEC. 3. Act 211 of the Session Laws of Hawaii 1953, relating to the issuance of general obligation bonds, as authorized by this Act, is hereby ratified and confirmed, subject, however, to the provisions of this Act.

Approved August 24, 1954.

Public Law 641

CHAPTER 890

August 24, 1954
[H. R. 6113]

AN ACT

To amend title 18 of the United States Code, so as to increase the penalties applicable to the smuggling of goods into the United States.

Smuggling penal-
ties.
62 Stat. 716.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 545 of title 18, United States Code, is amended by striking out "\$5,000" and inserting in lieu thereof "\$10,000", and by striking out "two years" and inserting in lieu thereof "five years".

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to offenses committed on and after the date of the enactment of this Act.

Approved August 24, 1954.

Public Law 642

CHAPTER 891

AN ACT

Granting the consent and approval of Congress to an interstate forest fire protection compact.

August 24, 1954
[H. R. 6393]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is hereby given to any two or more of the States of Arkansas, Louisiana, Mississippi, Oklahoma, and Texas to enter into the following compact relating to the prevention and control of forest fires in the South Central region of the United States.

South Central
Interstate Forest
Fire Protection
Compact.
Consent of Con-
gress.

The compact reads as follows:

“SOUTH CENTRAL INTERSTATE FOREST FIRE PROTECTION COMPACT

“ARTICLE I

“The purpose of this compact is to promote effective prevention and control of forest fires in the South Central region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other Regional Forest Fire Protection compacts or agreements, and for more adequate forest development.

“ARTICLE II

“This compact shall become operative immediately as to those states ratifying it whenever any two or more of the States of Arkansas, Louisiana, Mississippi, Oklahoma, and Texas which are contiguous have ratified it and Congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the legislature of each of the member states.

“ARTICLE III

“In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

“The compact administrators of the member states shall organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

“There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet from time to time with the compact administrators. Each member state shall name one member of the Senate and one member of the House of Representatives, and the Governor of each member state shall appoint one representative who shall be the chairman of the state forestry commission or comparable official and one representative who shall be associated with forestry or forest products industries to comprise the

membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

"The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

"It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

"ARTICLE IV

"Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

"ARTICLE V

"Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

"No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith: *Provided*, That nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

"All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

"Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request: *Provided*, That nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

"Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

"For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

"The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

"ARTICLE VI

"Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

"Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

"Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

"ARTICLE VII

"The compact administrators may request the United States Forest Service to act as the primary research and coordinating agency of the South Central Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

"ARTICLE VIII

"The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region: *Provided*, That the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

"ARTICLE IX

"This compact shall continue in force and remain binding on each state ratifying it until the legislature or the Governor of such state takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact."

Approved August 24, 1954.

Public Law 643

CHAPTER 892

AN ACT

To ratify and confirm sections 5 and 6 of Act 254 and Act 280 of the Session Laws of Hawaii 1953 and to authorize the issuance of certain public improvement bonds by the Territory of Hawaii.

August 24, 1954
[H. R. 6886]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 5 and 6 of Act 254 of the Session Laws of Hawaii 1953, entitled: "An Act

Hawaii.
Improvement
bonds.

31 Stat. 141.
48 USC 491.

providing for the issuance of public improvement bonds”, and Act 280 of the Session Laws of Hawaii 1953, entitled “An Act relating to public improvement and the financing thereof, making appropriations for public improvements and providing for the issuance of public improvement bonds, and memorializing Congress to authorize the issuance of public improvement bonds of the Territory of Hawaii during the years 1953 to 1959, inclusive, without respect to the limitations imposed by the Hawaiian Organic Act” are hereby ratified and confirmed: *Provided, however*, That nothing herein contained shall be deemed to prohibit the amendment of said Act of said Territory by the legislature thereof, from time to time, to provide for changes in the improvements authorized by said Act, and for the disposition of unexpended moneys appropriated by said Act: *Provided further*, That no such amendment shall cause the proceeds of the bond issues hereby authorized to be expended for any purpose other than authorized public improvements or reduction of the debt, unless otherwise approved by the Congress.

SEC. 2. During the years 1954 to 1959, inclusive, the Territory of Hawaii is authorized to issue, any provision of the Hawaiian Organic Act or any other Act of Congress to the contrary notwithstanding, public improvement bonds in the amount of \$19,063,500 in excess of the existing debt limitation, which shall be in addition to all other issues in excess of said debt limitation authorized by the Congress: *Provided*, That the total indebtedness of such Territory shall not exceed \$95,000,000.

SEC. 3. All bonds issued pursuant to section 2 shall be serial bonds payable in substantially equal annual installments, with the first such installment maturing not later than five years from the date of issue and the last such installment maturing not later than thirty years from such date.

Approval of President.

SEC. 4. Bonds shall not be issued pursuant to section 2 without the approval of the President of the United States.

Approved August 24, 1954.

Public Law 644

CHAPTER 893

August 24, 1954
[H. R. 7131]

AN ACT

To repeal a limitation on pay of certain officers of the Navy.

Naval fleet admirals.
Pay.
50 USC app. 1691 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That fleet admirals of the Navy, appointed under the Act of March 23, 1946 (60 Stat. 59), shall be considered to be retired naval officers for the purposes of the last proviso of the paragraph under the heading “Pay of the Navy” contained in the Act of June 10, 1896 (29 Stat. 361), as that proviso was amended by section 9 of the Act of July 22, 1935 (49 Stat. 490; 34 U. S. C. 883).

Approved August 24, 1954.

Public Law 645

CHAPTER 894

August 24, 1954
[H. R. 7398]

AN ACT

To repeal the requirement of section 3921 of the Revised Statutes that postmasters report to the Postmaster General failure to cancel postage stamps.

Postage stamps.
Cancellation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the part of

section 3921 of the Revised Statutes which is codified in section 366 of title 39, United States Code, is hereby amended by striking out the comma following the word "them" and the words "and report the delinquent postmaster to the Postmaster General".

Approved August 24, 1954.

Public Law 646

CHAPTER 895

AN ACT

To authorize the sale of postage-due stamps for philatelic purposes.

August 24, 1954
[H. R. 7399]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 26 of the Act of March 3, 1879, as amended (sec. 275 of title 39, United States Code), is hereby further amended by the addition of a sentence to read as follows:

Postage-due
stamps.
Sale.
20 Stat. 361.

"The Postmaster General may, under such regulations as he may prescribe, authorize the sale of deficiency or postage-due stamps for philatelic purposes through such agency of the Post Office Department as he may designate."

Approved August 24, 1954.

Public Law 647

CHAPTER 896

AN ACT

To enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue public improvement bonds.

August 24, 1954
[H. R. 7517]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislature of the Territory of Hawaii, notwithstanding any provisions of the Hawaiian Organic Act, any laws of the Territory of Hawaii or of any Acts of this Congress to the contrary, may authorize the city and county of Honolulu, a municipal corporation of the Territory of Hawaii, to issue bonds in the sum of \$2,000,000 for the purpose of enabling it to construct sewerage systems in the city and county of Honolulu.

Honolulu, Ha-
waii.
Improvem ent
bonds.
31 Stat. 141.
48 USC 491.

SEC. 2. The bonds issued under authority of this Act shall be serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

SEC. 3. Sections 1 and 2 of Act 254 of the Session Laws of Hawaii, 1953, pertaining to the issuance of public improvement bonds, as authorized by this Act, are hereby ratified and confirmed subject to the provisions of this Act.

Approved August 24, 1954.

Public Law 648

CHAPTER 897

AN ACT

To authorize and direct the Farm Loan Board of Hawaii to convey certain land and to ratify and confirm certain acts of said Farm Loan Board.

August 24, 1954
[H. R. 7568]

Be it enacted by the Senate and House of Representatives of the

Hawaii.
Farm Loan Board
conveyance,
48 USC 663-677b,
1509-1512.

United States of America in Congress assembled, That any limitations imposed by section 73 of the Hawaiian Organic Act, as amended (31 Stat. 141), to the contrary notwithstanding, the Farm Loan Board of Hawaii is authorized and directed to convey by quitclaim deed to Martha Keliikuli, whose residence and post office address is in care of Kahuku Ranch, Kahuku, city and county of Honolulu, Territory of Hawaii, the following described parcel of land, together with buildings and other improvements thereon, subject to the provisos herein-after set forth:

Lot 14, Puuapa-Kokoiki homesteads, North Kohala, Hawaii, being all of grant 7582 to Ernest K. Kanehailua, Registered Map Numbered 2495, Second Land District. Beginning at a post at the northeast corner of this lot and the southeast corner of lot 18 and on the west side of Ilikini Road, said point being two thousand five hundred twenty-one and three-tenths feet south and three thousand one hundred eighty and five-tenths feet east of Government Survey Trig. Station "Kehoni", as shown on Government Survey Registered Map Numbered 2495, and running by true azimuths:

(1) Three hundred forty-six degrees thirty minutes, six hundred thirty-seven and four-tenths feet along Ilikini Road and lot 13 to a post; (2) seventy-six degrees thirty minutes, three hundred and seventy-eight feet along lot 13 to a post; (3) one hundred forty degrees thirteen minutes thirty seconds, seven hundred nine and eight-tenths feet along the land of Upolu to a post; (4) two hundred fifty-six degrees twenty-six minutes, six hundred ninety-three and seven-tenths feet along lots 21, 20, 19, and 18, to the point of beginning; area seven and one-half acres: *Provided, however*, That said land or any part thereof or interest therein or control thereof shall not, without the written consent of the Commissioner of Public Lands and Governor, be, or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased or otherwise transferred to or acquired or held by or for the benefit of any alien or corporation, or, to or by or for the benefit of any person who owns, holds, or controls, directly or indirectly, other lands or the use thereof, the combined area of which and the land in question exceeds eighty acres: *Provided further*, That these prohibitions shall not apply to transfers or acquisitions by inheritance or between tenants in common. In the event of violation of the foregoing provisions, said land shall forthwith be forfeited and resume the status of public land and may be recovered by the Territory or its successors in an action of ejectment or other appropriate proceedings.

Ratification of
prior sales.

SEC. 2. Sales of land heretofore made by the Farm Loan Board of Hawaii, and deeds covering such sales heretofore executed by any two members of the Farm Loan Board of Hawaii as provided in section 11 of Act 225, Session Laws of Hawaii 1919, and like sections contained in the Revised Laws of Hawaii, for and on behalf of said board shall not be held invalid or void for or on account of want of authority of any such members of said Board to make such sale or deed, and the same are hereby ratified and confirmed to the extent set forth.

Approved August 24, 1954.

Public Law 649

CHAPTER 898

AN ACT

August 24, 1954
[H. R. 7518]

To enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue public improvement bonds.

Be it enacted by the Senate and House of Representatives of the

United States of America in Congress assembled, That the Legislature of the Territory of Hawaii, notwithstanding any provisions of the Hawaiian Organic Act, any laws of the Territory of Hawaii or of any Act of this Congress to the contrary, may authorize the city and county of Honolulu, a municipal corporation of the Territory of Hawaii, to issue bonds in the sum of \$1,000,000, for the purpose of enabling it to construct flood-control and drainage systems in the city and county of Honolulu.

Honolulu, Hawaii.
Improvement
bonds.
31 Stat. 141.
48 USC 491.

SEC. 2. The bonds issued under authority of this Act shall be serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

SEC. 3. Sections 3 and 4 of Act 254 of the Session Laws of Hawaii 1953, pertaining to the issuance of public improvement bonds, as authorized by this Act, are hereby ratified and confirmed subject to the provisions of this Act.

Approved August 24, 1954.

Public Law 650

CHAPTER 899

AN ACT

To provide benefits under the laws administered by the Veterans' Administration based upon service in the Women's Army Auxiliary Corps under certain conditions.

August 24, 1954
[H. R. 8041]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who served for at least ninety days in the Women's Army Auxiliary Corps who prior to the establishment of the Women's Army Corps was honorably discharged for disability incurred in line of duty rendering her physically unfit to perform further service in the Women's Army Auxiliary Corps or in the Women's Army Corps, established under Public Law 110, Seventy-eighth Congress, shall be deemed to have been in the active military service during such period of service for the purposes of laws administered by the Veterans' Administration. No monetary benefits shall accrue by reason of this Act for any period prior to the date of enactment and compensation or pension shall not be payable by virtue of this Act concurrently with United States employees' compensation based on the same service. Any person eligible for compensation or pension by reason of this Act who is also eligible for compensation benefits provided by the United States Employees' Compensation Act of 1917, as amended, shall elect which benefit she shall receive.

Women's Army
Auxiliary Corps.
Veterans bene-
fits.

57 Stat. 371.
10 USC 316 note.

39 Stat. 742.
5 USC 751-793.

Approved August 24, 1954.

Public Law 651

CHAPTER 900

AN ACT

To authorize the Secretary of the Interior to issue patents for certain lands in Wisconsin bordering upon inland lakes or rivers.

August 24, 1954
[H. R. 8006]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, whenever it shall be shown to the satisfaction of the Secretary of the Interior that a tract of public land, lying between the meander line of an

Wisconsin land
titles.
River and lake
property.

inland lake or river in Wisconsin as originally surveyed and the meander line of that lake or river as subsequently resurveyed, has been held in good faith and in peaceful, adverse possession by a person, or his predecessors in interest, who had been issued a patent, prior to January 21, 1953, for lands lying along the meander line as originally determined, the Secretary of the Interior shall cause a patent to be issued to such person for such land upon the payment of the same price per acre as that at which the land included in the original patent was purchased and upon the same terms and conditions. All persons seeking to purchase lands under this Act shall make application to the Secretary within one year from the date of the enactment of this Act, or from the date of the official filing of the plat or resurvey, whichever is later, and the Secretary of the Interior shall cause no patents to be issued for land lying between the original meander line and the resurveyed meander line until the conclusion of such periods.

SEC. 2. Upon the filing of a plat of resurvey under section 1 of this Act, the Secretary shall give such notice as he finds appropriate by newspaper publication or otherwise of the opening of the lands to purchase under this Act.

SEC. 3. Nothing in this Act shall affect valid existing rights.

Approved August 24, 1954.

Public Law 652

CHAPTER 901

AN ACT

August 24, 1954
[H. R. 8038]

To authorize the conveyance to the Hot Springs School District and to Garland County, Arkansas, for school and for other public purposes, of certain land originally donated to the United States and situated in Hot Springs National Park, Arkansas, and for other purposes.

Hot Springs
School District and
Garland County,
Ark.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to convey without consideration but upon such terms and conditions as he shall consider to be in the public interest to the Hot Springs School District and to the county of Garland, Arkansas, all or portions of a tract of approximately thirty-five acres within Hot Springs National Park, which was donated to the United States by Garland County, Arkansas, such property being situated in the northwest quarter of the northwest quarter of section 34, township 2 south, range 19 west, Garland County, Arkansas, and identified as the former United States Public Health Service Medical Center property.

Such property may be conveyed together with any improvements, appurtenances, and facilities relating thereto except those which the Secretary may find to be necessary to retain for purposes of the national park system or which he may deem advisable to remove for other purposes, the conveyances of the land hereunder to be made in the approximate proportions of two-thirds of the tract to or for purposes of the Hot Springs School District, such portion to be used for public school purposes, and one-third to Garland County for purposes of the county health and welfare unit. Any costs incidental to accomplishing the conveyances provided for herein shall be borne by the said Hot Springs School District and by Garland County.

Approved August 24, 1954.

Public Law 653

CHAPTER 902

AN ACT

To confirm the authority of the Secretary of the Interior to issue patents in fee to allotments of lands of the Mission Indians in the State of California prior to the expiration of the trust period specified in the Act of January 12, 1891, as amended.

August 24, 1954
[H. R. 8365]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) The provisions of the Act approved February Eighth, Eighteen Hundred and Eighty Seven (24 Stat. 388), entitled "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes", and all Acts amendatory thereof or supplemental thereto, insofar as they have not hitherto been applicable, shall apply to patents in fee simple heretofore issued or hereafter to be issued under the Act for the relief of the Mission Indians in the State of California, approved January 12, 1891 (26 Stat. 712), as amended or supplemented.

Mission Indians,
Calif.
Patents in fee.

(b) All patents in fee simple heretofore issued covering lands allotted under said Act approved January 12, 1891, as amended or supplemented, are hereby ratified, confirmed and declared valid from the respective dates of such issuance, even though such patents might have been issued prior to the expiration of the trust period existing with respect to a trust patent.

(c) All conveyances heretofore made by patentees of lands included in fee simple patents heretofore issued covering lands allotted under said Act approved January 12, 1891, as amended or supplemented, are hereby ratified, confirmed, approved, and declared valid, to the same extent as though this Act had been in full force and effect at the time of the issuance of such patents.

Validation.

Approved August 24, 1954.

Public Law 654

CHAPTER 903

AN ACT

To authorize the exchange of lands acquired by the United States for the Catoctin recreational demonstration area, Frederick County, Maryland, for the purpose of consolidating Federal holdings therein.

August 24, 1954
[H. R. 8821]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, for the purpose of consolidating Federal holdings of land acquired for the Catoctin recreational demonstration area, Frederick County, Maryland, is hereby empowered, in his discretion, to obtain for the United States land and interests in lands held in private ownership within the established watersheds and boundaries of said recreational demonstration area by accepting from the owners of such privately owned land complete relinquishment thereof, and the Secretary may grant to such owners in exchange therefor, in each instance, federally owned lands of approximately equal value now a part of the Catoctin recreational demonstration area, that he considers are not essential for the administration, control, and operation of the aforesaid recreational demonstration area. Any land acquired by the United States pursuant to this authorization shall

Catoctin recrea-
tional demonstra-
tion area, Md.
Land exchange.

become a part of the Catoctin recreational demonstration area upon the vesting of title in the United States, and shall be subject to the laws applicable thereto.

Approved August 24, 1954.

Public Law 655

CHAPTER 904

August 24, 1954
[H. R. 8385]

AN ACT

To amend section 2382 of the Revised Statutes, in order to make the size of townlots conform in size to local standards.

Townlots.
Area limitations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2382 of the Revised Statutes, as amended (43 U. S. C., sec. 713), is further amended by striking out the words "each not exceed four thousand two hundred square feet," and insert in lieu thereof the words, "conform in size to local ordinances or accepted local standards for subdivision platting or, in the absence of such ordinances or standards, to standards prescribed by the Secretary of the Interior,".

Repeal.

SEC. 2. Section 2385 of the Revised Statutes (43 U. S. C., sec. 716) is hereby repealed.

Approved August 24, 1954.

Public Law 656

CHAPTER 905

August 24, 1954
[H. R. 9236]

AN ACT

To amend the Federal Credit Union Act, as amended.

Federal Credit
Union Act.
Surety bonds.
48 Stat. 1219.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of subsection (b) of section 11 of the Federal Credit Union Act, as amended (U. S. C., 1952 edition, title 12, sec. 1761 (b)), is further amended by striking out "in an amount and character to be determined from time to time by the board of directors" and by inserting in lieu thereof "in an amount and character to be determined from time to time by the board of directors in compliance with regulations prescribed, from time to time, by the Director".

SEC. 2. The third sentence of subsection (c) of section 11 of the Federal Credit Union Act, as amended (U. S. C., 1952 edition, title 12, sec. 1761 (c)), is further amended by striking out "in an amount and character to be determined, from time to time, by the board" and by inserting in lieu thereof "in an amount and character to be determined from time to time by the board of directors in compliance with regulations prescribed, from time to time, by the Director".

SEC. 3. Section 16 of the Federal Credit Union Act, as amended (U. S. C., 1952 edition, title 12, sec. 1766), is further amended by adding at the end thereof a new subsection as follows:

"(g) The Director of the Bureau of Federal Credit Unions is authorized, empowered, and directed to require that every person appointed or elected by any Federal credit union to any position requiring the receipt, payment or custody of money or other personal property owned by a Federal credit union or in its custody or control as collateral or otherwise, to give bond in a corporate surety company holding a certificate of authority from the Secretary of the Treasury under the Act of Congress approved July 30, 1947 (6 U. S. C., secs. 6-13), as an acceptable surety on Federal bonds. Any such bond or bonds shall be in a form approved by the Director with a view to pro-

61 Stat. 646.

viding surety coverage to the Federal credit union with reference to loss by reason of acts of fraud or dishonesty including forgery, theft, embezzlement, wrongful abstraction or misapplication on the part of the person, directly or through connivance with others, and such other surety coverages as the Director may determine to be reasonably appropriate or as elsewhere required by this chapter. Any such bond or bonds shall be in an amount in relation to the money or other personal property involved or in relation to the assets of the Federal credit union as the Director may from time to time prescribe by regulation for the purpose of requiring reasonable coverage. In lieu of individual bonds the Director may approve the use of a form of schedule or blanket bond which covers all of the officers and employees of a Federal credit union whose duties include the receipt, payment, or custody of money or other personal property for or on behalf of the Federal credit union. The Director may also approve the use of a form of excess coverage bond whereby a Federal credit union may obtain an amount of coverage in excess of the basic surety coverage."

Approved August 24, 1954.

Public Law 657

CHAPTER 906

AN ACT

To authorize and direct the Secretary of the Interior to transfer forty acres of land in the Northern Cheyenne Indian Reservation, Montana, to School District Numbered 6, Rosebud County, Montana.

August 24, 1954
[H. R. 8897]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any contrary provision of law the Secretary of the Interior, or his authorized representative, is hereby authorized and directed to transfer by patent to School District Numbered 6, Rosebud County, Montana, or to any other appropriate governmental agency or local school authority in Montana empowered to take title to land for construction of a public school, in accordance with the resolution of January 29, 1954, by the Northern Cheyenne Tribal Council, all right, title, and interest of the United States and the Northern Cheyenne Tribe, reserving however to the said Northern Cheyenne Tribe all mineral rights, including gas and oil, as provided by the Act of June 3, 1926 (ch. 450, 44 Stat. 690), in and to a tract of approximately forty acres of land within the Northern Cheyenne Indian Reservation, described as the northeast quarter of the southeast quarter, section 33, township 2 south, range 41 east, Montana prime meridian, subject to such existing easement, right-of-way or other interest as may now be held by the State of Montana for the routing of State Highway Numbered 8.

Rosebud County,
Mont.
Conveyance.

Approved August 24, 1954.

Public Law 658

CHAPTER 907

AN ACT

To provide for the conveyance of certain land owned by the Federal Government near Vicksburg, Mississippi, to Vicksburg, Mississippi.

August 24, 1954
[H. R. 9194]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey, for and in consideration of an amount equal to the reasonable appraised value thereof as determined by the Secretary, to the city of Vicksburg,

Vicksburg, Miss.
Conveyance.

Mississippi, all right, title, and interest of the United States in and to certain land, comprising approximately one and nine hundred fourteen one-thousandths acres (including accretions thereto, and any riparian rights appurtenant to such land) near the city of Vicksburg, Mississippi, more particularly described as parcels 1 and 2 as shown on an official map of the United States Department of the Interior, identified as "Drawing No. NMP-VIC, 2028-A", dated August 15, 1951, and consisting of four sheets carrying such identification.

Approved August 24, 1954.

Public Law 659

CHAPTER 908

August 24, 1954
[H. R. 9582]

AN ACT

To provide for the disposition of surplus personal property to the Territorial government of Alaska.

Alaska,
Surplus property.
63 Stat. 377.
40 USC 471 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the Federal Property and Administrative Services Act of 1949, as amended, or any other provision of law, surplus personal property may be disposed of until December 31, 1956, to the Territorial government of Alaska at the request of the Governor of Alaska without reimbursement or transfer of funds when such surplus personal property is found by the Governor to be essential for the operations or activities of the Territorial government.

Definitions.

SEC. 2. The terms "property" and "surplus property", as used in section 1 hereof, shall have the meaning now or hereafter ascribed to them in the Federal Property and Administrative Services Act of 1949, as amended.

Approved August 24, 1954.

Public Law 660

CHAPTER 909

August 24, 1954
[H. R. 9630]

AN ACT

To authorize the Secretary of the Interior to execute an amendatory contract with the Black Canyon Irrigation District, Idaho, and for other purposes.

Black Canyon Irrigation District,
Idaho.
Repayment contract.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to execute on behalf of the United States the amendatory repayment contract with the Black Canyon Irrigation District, Idaho, negotiated pursuant to section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187, 1192; 43 U. S. C., 1946 edition, sec. 485f) and approved by the District's electors on April 20, 1954.

SEC. 2. The Secretary is further authorized, on the basis of the principles set forth in the revised allocation and repayment report for the Boise Federal reclamation project, Idaho, dated September 21, 1953 (which report is in part the basis upon which the above-described amendatory repayment contract was negotiated), and subject to then existing contractual obligations of the United States in relation to the Boise project (1) to coordinate his operation of the facilities of the project with that of other Federal installations on the Boise and Payette Rivers, (2) to allocate an appropriate portion of the construction cost and of the operation and maintenance costs of the project to each of the functions (primarily irrigation, including irrigation power, commercial power, and flood control) served by it, and (3) to account for the return of the reimbursable allocations in accordance with the Federal reclamation laws.

SEC. 3. The last three provisos to the portion of the Act of June 5, 1924 (43 Stat. 390, 416), relating to the Boise project, and the proviso to the portion of the Act of March 4, 1929 (45 Stat. 1562, 1590), also relating thereto, are hereby repealed.

Repeals.

SEC. 4. As used in this Act, the term "Federal reclamation laws" means the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto.

43 USC 371 note.

SEC. 5. This Act is declared to be a supplement of the Federal reclamation laws.

Approved August 24, 1954.

Public Law 661

CHAPTER 910

AN ACT

To amend titles 18 and 28 of the United States Code.

August 24, 1954
[H. R. 9821]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1162, title 18, United States Code, is amended by striking therefrom the words "except the Menominee Reservation" and the comma preceding those words.

Menominee Res-
ervation.
67 Stat. 588.

SEC. 2. Section 1360, title 28, United States Code, is amended by striking therefrom the words "except the Menominee Reservation" and the comma preceding those words.

67 Stat. 589.

Approved August 24, 1954.

Public Law 662

CHAPTER 911

AN ACT

To incorporate the Foundation of the Federal Bar Association.

August 24, 1954
[H. R. 9882]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-named persons, Justin Miller, California; William L. Ellis, Michigan; Bettin Stalling, Illinois; William S. Tyson, North Carolina; Kennedy C. Watkins, District of Columbia; Martin C. Epstein, New York; Laurence H. Axman, District of Columbia; Julian R. Eagle, Pennsylvania; William F. Farrell, Texas; Barratt O'Hara, Junior, Illinois; Joseph F. Brodie, California; Spurgeon E. Paul, Colorado; J. Edward Hauk, Maryland; Ida I. Kloze, Maryland; William R. Vallance, New York; Clyde Baggarly, Virginia; Charles W. Freeman, California; William A. Roberts, District of Columbia; Ralph G. Cornell, Maryland; Horace Russell, Illinois;

The Foundation
of the Federal Bar
Association.
Incorporation.

Robert E. Freer, Ohio; Frank J. Delany, Illinois; William N. Morell, Minnesota; Heber H. Rice, Maryland; William E. Reese, Virginia; Robert N. Anderson, Virginia; Marguerite Rawalt, Texas; Robert H. Shields, Maryland; Harold Lee, New York; James E. Palmer, Junior, Virginia; John A. McIntire, Maryland; Major General E. M. Brannon, District of Columbia; Maxwell H. Elliott, New York; Edwin L. Fisher, Maryland; Edward E. Odom, California; Rear Admiral Ira H. Nunn, Arkansas; Herman Phleger, California; Arthur J. Klayman, Illinois; F. Joseph Donohue, District of Columbia; Frank J. Parker, New York; Ernest Votaw, Pennsylvania; T. Wade Harrison, Florida; Admiral O. S. Colclough, Pennsylvania; J. Lee Rankin, Nebraska; Stanley N. Barnes, California; Newell Blair, Virginia;

Clarence A. Davis, Nebraska; Ralph E. Becker, New York; George J. Bott, Maryland; John C. Doerfer, Wisconsin; Richard S. Doyle, Maryland; Whitney Gilliland, Iowa; Abe McGregor Goff, Idaho; Earl W. Kintner, Indiana; J. Hervey Macomber, Vermont; William P. McCracken, District of Columbia; Andrew P. Murphy, Junior, Massachusetts; Lambert McAllister, Ohio; Joe E. Moody, Missouri; Lawrence C. Moore, District of Columbia; Perry Morton, Nebraska; Emory T. Nunneley, Pennsylvania; William Simon, District of Columbia; Conrad Snow, New Hampshire; William H. Timbers, Connecticut; F. Trowbridge vomBaur, District of Columbia; Frank H. Weitzel, District of Columbia; Curtis C. Williams, Ohio; Emory J. Woodall, Virginia; Wendell Barnes, Oklahoma; Roger S. Foster, District of Columbia; Calvert Magruder, Massachusetts;

George C. Sweeney, Massachusetts; John C. Knox, New York; Edward J. Dimock, New York; David N. Edelstein, New York; Clarence G. Galston, New York; John Knight, New York; John J. Parker, North Carolina; Armistead M. Dobie, Virginia; Harry E. Watkins, West Virginia; Joseph C. Hutcheson, Virginia; Thomas F. McAllister, Michigan; F. Ryan Duffy, Wisconsin; John Caskie Collet, Missouri; John Sanborn, Minnesota; Robert C. Bell, Minnesota; William Denman, California; Albert Lee Stephens, California; Alfred P. Murrah, Oklahoma; George Thomas Washington, District of Columbia; Charles Fahy, District of Columbia; Bolitha J. Laws, District of Columbia; F. Dickinson Letts, District of Columbia; Luther W. Youngdahl, District of Columbia; William P. Cole, Junior, District of Columbia; Paul D. Shriver, Guam; Dennis F. Donovan, Minnesota;

Alfred C. Clapp, New Jersey; L. Dale Coffman, California; John T. Fey, District of Columbia; Jefferson B. Fordham, Pennsylvania; Erwin N. Griswold, Massachusetts; Albert J. Harno, Illinois; L. A. Haslup, Florida; Harold C. Havighurst, Illinois; Paul M. Hebert, Louisiana; Elwood H. Hettrick, Massachusetts; Jacob D. Hyman, New York; Schuyler W. Jackson, Kansas; George M. Johnson, District of Columbia; Gordon Johnston, Colorado; Charles H. King, Michigan; Robert Kingsley, California; Arthur Larson, Pennsylvania; J. A. McClain, Junior, North Carolina; Glenn A. McCleary, Missouri; F. J. Moreau, Kansas; William T. Muse, Virginia; Russell D. Niles, New York; Maynard E. Pirsig, Minnesota; F. D. G. Ribble, Virginia; John Ritchie, Wisconsin; David E. Snodgrass, California;

Carl Spaeth, California; Elvis J. Stahr, Junior, Kentucky; Robert S. Stevens, New York; Wesley Sturges, Connecticut; Harry D. Taft, Illinois; Reverend Joseph T. Tinnelly, New York; Martin Tollefson, Iowa; Leon H. Wallace, Indiana; Clayton E. Williams, Virginia; Roscoe L. Barrow, Ohio; Henry P. Brandis, Junior, Colorado; A. L. Gausewitz, New Mexico; Spencer L. Kimball, Utah; C. W. Leaphart, Montana; Daniel J. McKenna, Michigan; Joseph O'Meara, Indiana; R. A. Rasco, Florida; Seward Reese, Oregon; Earl Sneed, Junior, Oklahoma; Brendan F. Brown, District of Columbia; O. H. Thormodsgard, North Dakota; Ray Forrester, Louisiana; are hereby created a body corporate, of the District of Columbia and there domiciled, by the name of "The Foundation of the Federal Bar Association" (hereafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the adoption, amendment, and revision of bylaws, not inconsistent

with this charter, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are as follows:

(1) To receive and hold by bequest, devise, gift, grant, purchase, lease, or otherwise, either absolutely or jointly with any other person or persons or corporation, for any of the purposes hereinafter set forth, any property, real, personal, or mixed, or any undivided interest therein; to convey, sell, or otherwise dispose of such property, and to invest, reinvest, administer, and deal with the same in such manner as in the judgment of the directors of the corporation will best promote the purposes of the corporation, but without and free from restrictions applicable to trustees or trust funds,

(2) To apply its income, and if the corporation so decides, all or any part of its principal, exclusively to the following educational, charitable, scientific, or literary purposes, or any of them:

(a) To advance the science of jurisprudence;

(b) To uphold high standards for the Federal judiciary and for attorneys representing the Government of the United States;

(c) To promote and improve the administration of justice, including the study of means for the improved handling of the legal business of the several Federal departments and establishments;

(d) To facilitate the cultivation and diffusion of knowledge and understanding of the law and the promotion of the study of the law and the science of jurisprudence and research therein, through the maintenance of a law library, the establishment of seminars, lectures, and studies devoted to the law, and the publication of addresses, essays, treatises, reports and other literary works by students, practitioners, and teachers of the law; and

(e) To provide for the acquisition, preservation and exhibition of rare books and documents, sculptures, paintings and other objects of art and historical interest relating to the law, the courts and the legal profession,

(3) To do any and all things necessary or incident to the accomplishment of the foregoing purposes.

CORPORATE POWERS

SEC. 4. The corporation shall have the following powers:

(a) To sue and be sued, complain and defend in any court of competent jurisdiction.

(b) To adopt, alter, and use a corporate seal.

(c) To choose such officers, managers, and agents as the business of the corporation may require.

(d) To adopt, amend, apply, and administer bylaws, not inconsistent with the laws of the United States of America or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs.

(e) To contract and be contracted with.

(f) To take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise, any property, real or personal, or mixed, necessary for carrying into effect the purposes of the corporation, subject to applicable provisions of law of any State (1) governing the amount or kind of real and personal property which may be held by, or (2) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State.

- (g) To transfer, lease, or convey real or personal property.
- (h) To borrow money for the purposes of the corporation, and issue bonds or other evidences of indebtedness therefor, and secure the same by mortgage or pledge subject to applicable Federal or State laws.
- (i) To do any and all acts necessary and proper to carry out the purposes of the corporation.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; RESIDENT AGENT

SEC. 5. (a) The corporation shall have its principal office in the District of Columbia and may conduct its activities at any place or places in the United States, or elsewhere.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice served upon such agent, or mailed to such agent at such business address, shall be deemed service upon or notice to the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) The membership of the corporation consists of the persons listed in the first section of this Act, the persons who hereafter become members of the National Council of the Federal Bar Association, a nonprofit corporation of the District of Columbia (for the duration of their membership as such), and such others as the corporation may provide for by bylaw or otherwise.

(b) Each member of the corporation may cast one vote on each matter submitted to a vote of the members.

BOARD OF DIRECTORS

SEC. 7. (a) The governing body of the corporation is its board of directors, which during the calendar year of this enactment, will comprise the following:

Bettin Stalling, of Illinois;
Stanley N. Barnes, of California;
Clarence A. Davis, of Nebraska;
Earl W. Kintner, of Indiana;
Lawrence H. Axman, District of Columbia;
Wendell Barnes, of Oklahoma;
William L. Ellis, of Michigan; and
Arthur J. Klayman, of Illinois,

who are currently members of the executive committee of the Federal Bar Association.

(b) Thereafter the board of directors will consist of twelve persons elected, and subject to removal at any time, by majority vote of the members of the corporation. The term of office of the elected members of the board is for six years, except that, for the first elected board, four shall be elected for a term of two years, four for a term of four years, and four for a term of six years. Vacancies in the board of directors, caused by expiration of the members' terms or otherwise, shall be filled by a majority vote of the members of the corporation.

(c) The board of directors may exercise, or provide for the exercise of, the powers herein granted to the corporation, and each member of the board shall have one vote upon all matters determined. The board shall meet at least annually. The board may delegate its powers to a prudential committee subject to the direction of, and reporting to, the board. The president of the corporation shall act as chairman of the board and of the committee.

OFFICERS

SEC. 8. (a) The officers of the corporation shall consist of a president, vice president, secretary, treasurer, historian, and such other officers as may be determined by bylaw.

The officers shall have such powers, consistent with this charter, as may be provided by bylaw.

(b) The officers shall be elected by the board of directors at its initial meeting and thereafter at its annual designated meeting and shall serve for a term of one year.

LIMITATIONS ON USE OF FUNDS

SEC. 9. (a) No part of the net earnings of the corporation shall inure to the benefit of any member, officer, director, or private individual, nor shall any member or private individual be liable for the obligations of the corporation.

(b) The corporation shall not make any loans to its officers or members of the board of directors. Any officer or director who votes for, assents to, or participates in the making of a loan or advance to an officer or director shall be jointly and severally liable to the corporation for the amount of such loan until its repayment.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. (a) None of the activities, funds, property, or income of the corporation shall be used in carrying on any political activity, directly or indirectly, or in attempting to influence legislation.

(b) Neither the corporation nor its officers or directors shall, as such, contribute to or otherwise support or assist any political party or candidate for elective public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents within the scope of their authority.

PROHIBITION AGAINST ISSUE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall not issue any shares of stock, nor declare or pay dividends.

BOOKS AND RECORDS

SEC. 13. The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of its membership and of the board of directors or committees having any of the authority of the board of directors. It shall also keep at its principal office a record giving the names and addresses of its members, directors, and officers. All books and records of the corporation may be inspected by any member or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The financial transactions of the corporation shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation

and necessary to facilitate the audit shall be made available to the person or persons conducting the audit and full facilities for verifying transactions with the balances or securities held by depositors, fiscal agents, and custodians shall be afforded to such person or persons.

Report to Congress.

(b) A report of the audit shall be made by the corporation to the Congress within six months after the fiscal year for which the audit is made. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. The report shall not be printed as a public document.

DISSOLUTION

SEC. 15. Upon final dissolution or liquidation of the corporation, and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation shall be deposited in the Treasury of the United States as a miscellaneous receipt.

QUALIFICATIONS OF MEMBERS AND OFFICERS

SEC. 16. No person who is a member of, or who advocates the principles of, any organization believing in, or working for, the overthrow of the United States Government by force or violence, and no person who refuses to uphold and defend the Constitution of the United States, shall be privileged to become, or continue to be, a member, director, or officer of the corporation.

EXCLUSIVE RIGHT TO NAME

SEC. 17. The corporation shall have the sole and exclusive right to use the name, "The Foundation of the Federal Bar Association".

DEFINITIONS

SEC. 18. As used in this Act the word "State" includes the District of Columbia.

RESERVATION OF THE RIGHT TO AMEND AND REPEAL CHARTER

SEC. 19. The right to repeal, alter, or amend this Act at any time is hereby expressly reserved to the Congress.

Approved August 24, 1954.

Public Law 663

CHAPTER 935

August 26, 1954
[H. R. 9936]

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes.

Supplemental Appropriation Act, 1955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriation Act, 1955") for the fiscal year ending June 30, 1955, and for other purposes, namely:

CHAPTER I

DISTRICT OF COLUMBIA

OPERATING EXPENSES

REGULATORY AGENCIES

For an additional amount for "Regulatory agencies", \$15,000, and the amount available under this head may be used to carry out the provisions of the District of Columbia Business Corporation Act (Public Law 389, Eighty-third Congress), approved June 8, 1954.

Ante, p. 177.

SETTLEMENT OF CLAIMS AND SUITS

For the payment of claims in excess of \$250, approved by the Commissioners in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$13,967.

D. C. Code 1-902
to 1-906.

JUDGMENTS

For the payment of final judgments rendered against the District of Columbia, as set forth in Senate Document Numbered 145 (Eighty-third Congress), \$15,132, together with such further sums as may be necessary to pay the interest at not exceeding 4 per centum on such judgments, as provided by law, from the date the same became due until the date of payment.

AUDITED CLAIMS

For an additional amount for the payment of claims, certified to be due by the accounting officers of the District of Columbia, under appropriations the balances of which have been exhausted or credited to the general fund of the District of Columbia as provided by law (D. C. Code, title 47, sec. 130a), being for the service of the fiscal year 1952 and prior fiscal years, as set forth in Senate Document Numbered 145 (Eighty-third Congress), \$14,624, together with such further sums as may be necessary to pay the interest on audited claims for refunds at not exceeding 4 per centum per annum as provided by law (Act of July 10, 1952, 66 Stat. 546, sec. 14d).

41 Stat. 1144.

D. C. Code 47-
2413.

DIVISION OF EXPENSES

The sums appropriated in this Act for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Acts for the fiscal years involved.

CHAPTER II

LEGISLATIVE BRANCH

SENATE

For payment to the estate of Hugh Butler, late a Senator from the State of Nebraska, \$12,500.

For payment to Clyde Roark Hoey, Junior, and Charles Aycock Hoey, sons, and Isabel Hoey Paul, daughter of Clyde R. Hoey, late a Senator from the State of North Carolina, \$12,500.

For payment to Emily Nathelle Hunt, widow of Lester C. Hunt, late a Senator from the State of Wyoming, \$12,500.

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE SECRETARY

Office of the Secretary: For an additional amount for fiscal year 1955, \$11,725: *Provided*, That effective August 1, 1954, the basic annual compensation of the following positions shall be: Financial clerk \$7,320 in lieu of \$7,000; printing clerk \$5,400 in lieu of \$5,160; executive clerk \$4,380 in lieu of \$4,100; Assistant to the Majority and Assistant to the Minority at \$8,000 each in lieu of Assistant to the Minority at \$8,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

Office of the Sergeant at Arms and Doorkeeper: For an additional amount for fiscal year 1955, \$21,925: *Provided*, That effective August 1, 1954, the basic annual compensation of the following positions shall be: Assistant doorkeeper \$3,420 in lieu of \$3,040; messenger at card door \$3,420 in lieu of \$3,040; messenger acting as assistant doorkeeper \$2,760 and two messengers acting as assistant doorkeepers at \$2,580 each in lieu of three messengers acting as assistant doorkeepers at \$2,580 each; clerk, press gallery, \$1,800; chief janitor, \$3,540 in lieu of \$3,200; assistant chief janitor \$2,400 in lieu of \$2,220; foreman of duplicating department \$2,520 in lieu of clerk \$2,280; three cabinetmakers at \$2,520 each in lieu of two cabinetmakers at \$2,520 each and one cabinetmaker at \$2,460; file clerk \$1,980; three offset press operators at \$2,220 each, four clerks at \$2,160 each and twelve machine operators at \$1,740 each in lieu of five clerks at \$2,160 each and thirteen machine operators at \$1,740 each; two mimeograph operators at \$1,800 each and twenty-nine laborers at \$1,620 each in lieu of thirty laborers at \$1,620 each; repairman \$2,460; chief machine operator, \$2,700 in lieu of chief machine operator at \$2,460; assistant superintendent, service department, \$2,760 in lieu of assistant superintendent, service department, \$2,460; foreman of warehouse, service department, \$2,580 in lieu of clerk \$2,580.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND THE MINORITY

Offices of the secretary for the majority and the secretary for the minority: For an additional amount, \$1,405: *Provided*, That effective August 1, 1954, the basic annual compensation of the clerk to the secretary for the majority and the clerk to the secretary for the minority shall be at a rate to be fixed by the respective secretaries, but not exceeding \$3,480 each.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For two clerical assistants, one for the majority whip and one for the minority whip, at \$2,520 basic each, \$9,140.

CONTINGENT EXPENSES OF THE SENATE

Legislative reorganization: For an additional amount for "Legislative reorganization", \$25,000.

Reporting Senate proceedings: For an additional amount for "Reporting Senate proceedings", \$4,000.

Inquiries and investigations: For an additional amount for expenses of inquiries and investigations, fiscal year 1954, \$60,000.

Miscellaneous items: For an additional amount for "Miscellaneous items", exclusive of labor, fiscal year 1954, \$45,000.

HOUSE OF REPRESENTATIVES

For payment to Elizabeth P. Farrington, widow of Joseph R. Farrington, late a Delegate from the Territory of Hawaii, \$12,500.

For payment to Sarah F. Camp, widow of Albert S. Camp, late a Representative from the State of Georgia, \$12,500.

ARCHITECT OF THE CAPITOL

The Architect of the Capitol, under the direction of the House Office Building Commission, is authorized hereafter to furnish steam from the Capitol Power Plant to the Folger Shakespeare Library: *Provided*, That the person or persons authorized to make contracts with respect to such building to which such steam is to be furnished agrees (a) to pay for such steam at rates, not less than cost, determined by the Architect of the Capitol with the approval of the House Office Building Commission, and (b) to connect such building with the Capitol Power Plant steam lines without expense to the United States and in a manner satisfactory to the Architect of the Capitol and the House Office Building Commission: *Provided further*, That amounts received in payment for steam so furnished shall be covered into the Treasury of the United States as miscellaneous receipts.

Senate Office Building: For an additional amount for "Senate Office Building", \$4,100.

ADDITIONAL OFFICE BUILDING FOR THE UNITED STATES SENATE

Construction and equipment of additional Senate Office Building: To enable the Architect of the Capitol, under the direction of the Senate Office Building Commission, to continue to provide for the construction and equipment of a fireproof office building for the use of the United States Senate, in accordance with the provisions of the Second Deficiency Appropriation Act, 1948 (62 Stat. 1029), \$6,000,000: *Provided*, That no part of the funds herein appropriated shall be obligated or expended for construction of the rear center wing of said building, from the ground floor up, provided for under the building plans heretofore approved by such Commission.

GOVERNMENT PRINTING OFFICE

WORKING CAPITAL AND CONGRESSIONAL PRINTING AND BINDING

The unexpended balance of the appropriation to the Government Printing Office for "Working capital and congressional printing and binding" for the fiscal year 1943 shall be available, without regard to fiscal year limitation, for payment of a claim settled by the General Accounting Office in favor of the Baltimore and Ohio Railroad in the amount of \$703.34 on account of services rendered during the fiscal year 1942.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

Automobile for the Chief Justice: For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, \$5,835.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

FEES OF JURORS AND COMMISSIONERS

For an additional amount, fiscal year 1954, for "Fees of jurors and commissioners", \$220,000.

SALARIES OF REFEREES

60 Stat. 327.

For an additional amount for "Salaries of referees", \$18,500 to be derived from the referees' salary fund established in pursuance of the Act of June 28, 1916, as amended (11 U. S. C. 68).

CHAPTER III

DEPARTMENT OF STATE

ACQUISITION OF BUILDINGS ABROAD

For an additional amount for "Acquisition of buildings abroad", to remain available until expended, \$500,000.

INTERNATIONAL EDUCATIONAL EXCHANGE ACTIVITIES

For an additional amount for "International Educational Exchange Activities", \$300,000: *Provided*, That not less than \$1,674,652 shall be used for Educational Exchange Activities related to the "American Republics" from the total available to this appropriation for fiscal year 1955.

INTERNATIONAL CLAIMS COMMISSION

67 Stat. 421.

The appropriation granted under this head in the Supplemental Appropriation Act, 1954, shall remain available until June 30, 1955.

PAYMENT TO FEDERAL REPUBLIC OF GERMANY

40 Stat. 411.
50 USC app. 1.
Post, p. 1050.

For payment to the Federal Republic of Germany for the acquisition or construction of an Embassy in the District of Columbia, \$300,000, to be paid out of any funds or other property or interest vested or transferred to the Attorney General pursuant to or with respect to the Trading With the Enemy Act of October 6, 1917, as amended: *Provided*, That this appropriation shall be effective only upon enactment of legislation set forth in either H. R. 9988 or S. 1573, Eighty-third Congress.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", \$300,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For an additional amount for "Salaries and expenses, United States attorneys and marshals", \$450,000.

FEES AND EXPENSES OF WITNESSES

For an additional amount, fiscal year 1954, for "Fees and expenses of witnesses", \$135,000, to be derived by transfer from "Salaries and expenses, Antitrust Division", fiscal year 1954.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$3,000,000; and appropriations granted under this head for the fiscal year 1955 shall be available for the purchase of twenty-four passenger motor vehicles and three aircraft in addition to those heretofore provided.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For an additional amount for "Salaries and expenses, Bureau of Prisons", \$750,000.

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

CENSUSES OF BUSINESS, MANUFACTURES, AND MINERAL INDUSTRIES

For expenses necessary for taking, compiling, and publishing the censuses of business, manufactures, and mineral industries as authorized by law, including personal services by contract or otherwise at rates to be fixed by the Secretary of Commerce without regard to the Classification Act of 1949, as amended; and additional compensation of Federal employees temporarily detailed for field work under this appropriation; \$8,430,000, to remain available until December 31, 1957.

63 Stat. 954.
5 USC 1071 note.

CIVIL AERONAUTICS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$430,000.

ESTABLISHMENT OF AIR-NAVIGATION FACILITIES

Not to exceed \$600,000 of the funds previously appropriated under this head shall be available for construction and alteration of aeronautical facilities at Cold Bay, Alaska, including construction and furnishing of quarters and related accommodations for officers and employees of the Civil Aeronautics Administration and the Weather Bureau, and meteorological facilities for the Weather Bureau.

C o l d B a y,
Alaska.

LAND ACQUISITION, ADDITIONAL WASHINGTON AIRPORT

For an additional amount for "Land acquisition, additional Washington airport", for payment of deficiency judgments rendered by United States District Courts, \$16,297, together with such amounts as may be necessary to pay interest as specified in such judgments.

CIVIL AERONAUTICS ADMINISTRATION

FEDERAL-AID AIRPORT PROGRAM, FEDERAL AIRPORT ACT

60 Stat. 170.
49 USC 1101
note, 1104(a),
1105.

For carrying out the provisions of the Federal Airport Act of May 13, 1946, as amended (except section 5 (a)), \$22,000,000, of which (1) \$20,000,000 shall be for projects in the States in accordance with section 6 of said Act, (2) \$250,000 for projects in Puerto Rico, (3) \$50,000 for projects in the Virgin Islands, (4) \$225,000 for projects in the Territory of Hawaii, (5) \$225,000 for projects in the Territory of Alaska, and (6) \$1,250,000 shall be available as one fund for necessary planning, research, and administrative expenses (including not to exceed \$125,000, "Civil Aeronautics Administration," for necessary administrative expenses, including the maintenance and operation of aircraft): *Provided*, That the amount made available herein for administrative expenses shall be in addition to the amount made available for such purposes in the Department of Commerce Appropriation Act, 1955.

Ante, p. 423.

CLAIMS, FEDERAL AIRPORT ACT

For an additional amount for "Claims, Federal Airport Act", to remain available until expended, as follows: Municipal Airport, Elko, Nevada, \$69,449.

WASHINGTON NATIONAL AIRPORT

Maintenance and operation, Washington National Airport: For expenses incident to the care, operation, maintenance and protection of the Washington National Airport, including purchase, cleaning, and repair of uniforms; and arms and ammunition; \$1,350,000.

Construction, Washington National Airport: For an additional amount for "Construction, Washington National Airport", including additional loading gate positions and related paving; \$340,000, to remain available until expended.

MARITIME ACTIVITIES

SHIP CONSTRUCTION

49 Stat. 1995.
46 USC 1151 et
seq.
Ante, p. 680.

For payment of construction-differential subsidy and cost of national-defense features incident to construction of four passenger-cargo ships under title V of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1154); for reconditioning and betterment of not to exceed four ships in the national-defense reserve fleet; and for necessary expenses for the acquisition of used tankers pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1160), and the payment of cost of national-defense features incorporated in new tankers constructed to replace such used tankers, \$82,600,000, to remain available until expended: *Provided*, That transfers may be made to the appropriation for the current fiscal year for "Salaries and expenses" for administrative expenses (not to exceed \$400,000) and for reserve fleet expenses in such amounts as may be required, and any such transfers shall be without regard to the limitations under that appropriation on the amounts available for such expenses: *Provided further*, That appropriations granted herein shall be available to pay construction-differential subsidy granted by the Federal Maritime Board, pursuant to section 501 (c) of the Merchant Marine Act, 1936, as amended, to aid in the reconstruction of any Mariner-class ships sold under the provisions of title VII of the 1936

46 USC 1151,
1191 et seq.

Act: *Provided further*, That all ship construction, reconditioning and betterment of vessels appropriated for herein, be performed in ship-yards in the continental United States.

SHIP MORTGAGE-FORECLOSURE OR FORFEITURE CONTINGENCIES

For necessary expenses incurred in connection with protection, preservation, maintenance, acquisition, or use of vessels involved in mortgage-foreclosure or forfeiture proceedings instituted by the Government, including payment, as authorized by law, or prior claims and liens, expenses of sale, or other charges incidental thereto, \$2,500,000.

Repair of Reserve Fleet Vessels

(Liquidation of Contract Authorization)

For the payment of obligations incurred pursuant to authority granted under the "Emergency Ship Repair Act of 1954", \$12,000,000: *Provided*, That advances may be made from this appropriation to "Salaries and expenses, Maritime Activities", for administrative expenses (not to exceed \$150,000), and for reserve fleet expenses (in such amounts as may be required), and such advances shall be in addition to amounts otherwise made available for such expenses: *Provided further*, That this paragraph shall be effective only upon enactment into law during the Eighty-third Congress of S. 3546.

Ante, p. 754.

Ante, p. 754.

BUREAU OF PUBLIC ROADS

INTER-AMERICAN HIGHWAY

For an additional amount for "Inter-American Highway", \$4,750,000, to remain available until expended.

REIMBURSEMENT TO DISTRICT OF COLUMBIA

For reimbursement to the Highway Fund, District of Columbia, for part cost of construction of highway-railroad grade separation structure in the District of Columbia on New York Avenue in the vicinity of South Dakota Avenue Northeast, \$290,000.

Ante, p. 678.

CHAPTER IV

TREASURY DEPARTMENT

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES, DIVISION OF DISBURSEMENT

For an additional amount for "Salaries and expenses", \$350,000: *Provided*, That this paragraph shall be effective only upon enactment into law of H. R. 9366 or similar legislation of the Eighty-third Congress.

Post, p. 1052.

INTERNAL REVENUE SERVICE

For an additional amount for "Salaries and expenses", \$7,750,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including

Ante, p. 144.

purchase of ten passenger motor vehicles in addition to those heretofore provided, \$229,000, to be derived by transfer from such appropriations contained in the Treasury Department Appropriation Act, 1955, as the Secretary of the Treasury may designate.

SALARIES AND EXPENSES, WHITE HOUSE POLICE

Ante, p. 144.

For an additional amount for "Salaries and expenses, White House Police", \$62,000, to be derived by transfer from such appropriations contained in the Treasury Department Appropriation Act, 1955, as the Secretary of the Treasury may designate.

BUREAU OF THE MINT

Post, p. A120.

For a medal for Irving Berlin as authorized by law, \$1,500.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", \$4,000,000, to remain available until expended.

RETIRED PAY

For an additional amount for "Retired pay", \$80,000, to be derived by transfer from the appropriation to the Coast Guard for "Operating expenses, 1955".

CHAPTER V

DEPARTMENT OF LABOR

BUREAU OF LABOR STANDARDS

SALARIES AND EXPENSES

Ante, p. 434.

For an additional amount for "Salaries and expenses", \$12,500; and the amount made available under this head in the Department of Labor Appropriation Act, 1955, for the work of the President's Committee on National Employ the Physically Handicapped Week, is increased from \$75,000 to \$87,500.

BUREAU OF EMPLOYMENT SECURITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$87,500.

GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION
AND EMPLOYMENT SERVICE ADMINISTRATION*Post*, p. 1130.

For an additional amount for "Grants to States for unemployment compensation and employment service administration", \$13,100,000, of which \$2,000,000 shall be available only upon enactment into law of H. R. 9709, Eighty-third Congress, and the limitation on the amount available only to the extent the Secretary finds necessary to meet increased costs of administration is increased to "\$21,000,000" to be available for increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally in addition to the purposes set forth in the Department of Labor Appropriation Act, 1955.

Ante, p. 435.

UNEMPLOYMENT COMPENSATION FOR VETERANS

For an additional amount for "Unemployment compensation for veterans", \$70,400,000.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES

For payments to unemployed Federal employees, either directly or through payments to States, as authorized by title XV of the Social Security Act, as amended, \$10,000,000, to remain available until expended.

*Post, p. 1130.*UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES, NEXT
SUCCEEDING FISCAL YEAR

For making, after May 31 of the current fiscal year, payments to States, as authorized by title XV of the Social Security Act, as amended, such amounts as may be required for payment to unemployed Federal employees for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year.

Post, p. 1130.

The two immediately preceding paragraphs in this Act under the head "Bureau of Employment Security" shall be effective only upon enactment into law of H. R. 9709, Eighty-third Congress.

Post, p. 1130.

SALARIES AND EXPENSES, MEXICAN FARM LABOR PROGRAM

For an additional amount for "Salaries and expenses, Mexican farm labor program", \$175,000.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES, CERTIFICATION AND INSPECTION SERVICES

The paragraph under this head in the Department of Health, Education, and Welfare Appropriation Act, 1955, is amended to read as follows:

Ante, p. 438.

"Salaries and expenses, certification and inspection services: For expenses necessary for the certification or inspection of certain products in accordance with sections 406, 408, 504, 506, 507, 604, 702A, and 706 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 346, 348, 354, 356, 357, 364, 372a, and 376), the aggregate of the advance deposits during the current fiscal year to cover payments of fees by applicants for certification or inspection of such products, to remain available until expended. The total amount herein appropriated shall be available for personal services; purchase of chemicals, apparatus, and scientific equipment; expenses of advisory committees; and the refund of advance deposits for which no service has been rendered."

52 Stat. 1049; 55
Stat. 851; 59 Stat.
463.
Ante, p. 511.

WHITE HOUSE CONFERENCE ON EDUCATION

Salaries, expenses, and grants: For carrying out the Act of July 26, 1954 (Public Law 530), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), \$900,000, of which \$700,000 shall be for grants to the States in accordance with section 2 of such Act, except that the Commissioner of Education may establish the amount to be allotted to each State without regard to the

Ante, p. 532.
60 Stat. 810.

limitation established by said section 2, but no State shall receive less than \$5,000: *Provided*, That none of the funds granted to any State may be used to compensate any person for their personal services: *Provided further*, That a Conference Director may be appointed by the Secretary at a salary of not to exceed \$12,500 per annum.

OFFICE OF VOCATIONAL REHABILITATION

GRANTS TO STATES AND OTHER AGENCIES

41 Stat. 735.
29 USC 31-41.

Ante, p. 440.

For grants to States and other agencies in accordance with the Vocational Rehabilitation Act, as amended, \$4,000,000, of which \$1,500,000 is for vocational rehabilitation services under section 2 of said Act; \$1,500,000 is for extension and improvement projects under section 3 of said Act; and \$1,000,000 is for special projects under section 4 of said Act: *Provided*, That the amounts appropriated for the Office of Vocational Rehabilitation under the heads "Payments to States" in the Department of Health, Education, and Welfare Appropriation Act, 1955, shall be available, without regard to the limitations set forth therein, for the purposes of section 2 of the Vocational Rehabilitation Act, as amended: *Provided further*, That not more than \$2 of the funds made available for special projects under section 4 of said Act shall be expended for any project for each \$1 that the grantee, or the grantee and the State, expends for the same purpose.

TRAINING AND TRAINEESHIPS

29 USC 34, 37.

For training and traineeships, \$900,000, of which \$500,000 shall be available for grants pursuant to section 4 of the Vocational Rehabilitation Act, as amended, and \$400,000 shall be for carrying out the training functions provided for in section 7 of said Act: *Provided*, That not more than \$2 of the funds herein appropriated, granted pursuant to section 4 of said Act, shall be expended for each \$1 that such grantee, or the State and the grantee, expends for the training of the same individuals.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$200,000.

PUBLIC HEALTH SERVICE

SURVEYS AND PLANNING FOR HOSPITAL CONSTRUCTION

60 Stat. 1041.
42 USC 291-291n.

For payments to States for surveys and planning activities pursuant to title VI of the Public Health Service Act, as amended, \$2,000,000.

GRANTS FOR HOSPITAL CONSTRUCTION

Ante, p. 462.

For an additional amount for "Grants for hospital construction", to remain available until expended, \$21,000,000, to be available for payments under part G, title VI, of the Act, as amended, as follows: For diagnostic or treatment centers, \$6,500,000; for hospitals for the chronically ill and impaired, \$6,500,000; for rehabilitation facilities, \$4,000,000; and for nursing homes, \$4,000,000: *Provided*, That allotments under such part G to the several States for the current fiscal year shall be made on the basis of amounts equal to the limitations specified herein.

SALARIES AND EXPENSES, HOSPITAL CONSTRUCTION SERVICES

For an additional amount for "Salaries and expenses, hospital construction services", \$250,000.

SOCIAL SECURITY ADMINISTRATION

BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

None of the funds available to the Bureau of Old-Age and Survivors Insurance shall be used to pay any costs, direct or indirect, of moving any group of employees of the Bureau from Baltimore, Maryland, to Washington, District of Columbia.

For an additional amount for "Salaries and expenses", \$5,000,000, to be derived by transfer from the Federal Old-Age and Survivors Insurance Trust Fund.

ADVANCES TO STATES, NEXT SUCCEEDING FISCAL YEAR

For making, after May 31 of the current fiscal year, advances to States under section 221 (e) of the Social Security Act, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary from the above authorization may be expended from the Federal Old-Age and Survivors Insurance Trust Fund.

Post, p. 1081.

The two immediately preceding paragraphs under the head "Bureau of Old-Age and Survivors Insurance" in this Act shall be effective only upon enactment into law of H. R. 9366 or similar legislation of the Eighty-third Congress.

Post, p. 1052.

CONSTRUCTION, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

For construction of an office building and appurtenant facilities for the Bureau of Old-Age and Survivors Insurance, including equipment, acquisition of land (including donations thereof), and preparation of plans and specifications, \$20,000,000, to be derived from the Federal Old-Age and Survivors Insurance Trust Fund and to remain available until expended.

SALARIES AND EXPENSES, CHILDREN'S BUREAU

For an additional amount for "Salaries and expenses, Children's Bureau", \$75,000.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES, OFFICE OF THE SECRETARY

For an additional amount for "Salaries and expenses, Office of the Secretary", \$50,000, of which \$35,000 shall be available only for administrative and operational studies.

NATIONAL ADVISORY COMMITTEE ON EDUCATION

For expenses necessary for the National Advisory Committee on Education, as authorized by the Act of July 26, 1954 (Public Law 532), \$25,000.

Ante, p. 533.

CIVIL DEFENSE ACTIVITIES

For expenses necessary to enable the Department of Health, Education, and Welfare to carry out functions delegated to it pursuant to the Federal Civil Defense Act of 1950, as amended, including expenses of attendance at meetings concerned with the purposes of this appropriation, \$1,000,000.

64 Stat. 1245.
50 USC app.
2251 note.

CHAPTER VI

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", for national forest protection and management, \$250,000.

For an additional amount for "Salaries and expenses", for forest research, \$505,000.

FOREST ROADS AND TRAILS

For an additional amount for "Forest Roads and Trails", \$6,500,000, to remain available until expended.

SOIL CONSERVATION SERVICE

WATERSHED PROTECTION

For an additional amount for "Watershed protection", to remain available until expended, \$1,750,000, of which not to exceed \$40,000 shall be transferred to and made a part of the appropriation "Office of the Solicitor", 1955: *Provided*, That funds appropriated under this head shall be available for carrying out the purposes of the Act of August 4, 1954 (Public Law 566, Eighty-third Congress).

Ante, p. 666.

FOREIGN AGRICULTURAL SERVICE

For an additional amount for "Foreign Agricultural Service", including not to exceed \$15,000 for representation allowances, \$1,400,000, which shall be derived from the "Salaries and expenses" appropriation available to the Department of State: *Provided*, That transfers shall be made under this authorization in lieu of any similar transfers which may be authorized under the Agricultural Act of 1954 (H. R. 9680, Eighty-third Congress): *Provided further*, That this paragraph shall be effective only upon the enactment into law of H. R. 9680, Eighty-third Congress.

Post, p. 897.

COMMODITY EXCHANGE AUTHORITY

For an additional amount for "Commodity Exchange Authority", \$93,000: *Provided*, That \$39,000 of this appropriation shall be effective only upon enactment of legislation which would add "coffee" under the definition of the word "commodities" as defined in section 2 (a) of the Commodity Exchange Act, as amended (7 U. S. C. 1-17a); \$34,000 shall be effective only upon enactment into law of H. R. 6435, Eighty-third Congress; and \$20,000 shall be effective only upon enactment into law of section 710 (a) of H. R. 9680, Eighty-third Congress.

42 Stat. 998.

Post, p. 913.

FARMERS' HOME ADMINISTRATION

LOAN AUTHORIZATIONS

For loans under the Act of August 28, 1937, as amended, \$5,000,000: *Provided*, That not to exceed the foregoing amount shall be borrowed from the Secretary of the Treasury in the manner authorized under this head in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1955: *Provided further*, That this authorization shall be effective only upon enactment into law of either H. R. 8386 or S. 3137, Eighty-third Congress.

Ante, p. 315.

Ante, p. 734.

OFFICE OF THE SOLICITOR

For an additional amount for "Office of the Solicitor", \$45,000: *Provided*, That \$35,000 shall be effective only upon enactment into law of either H. R. 8386 or S. 3137, Eighty-third Congress.

Ante, p. 734.

CHAPTER VII

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

HEALTH, EDUCATION, AND WELFARE SERVICES

For an additional amount for "Health, education, and welfare services", \$1,180,000.

RESOURCES MANAGEMENT

For an additional amount for "Resources management", \$100,000, and this amount may be transferred to and merged with the appropriation for "Office of the Solicitor", in addition to any other amounts authorized to be so transferred: *Provided*, That hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedure Act (60 Stat. 237), as amended.

5 USC 1001 note.

CONSTRUCTION

For an additional amount for "Construction", \$6,931,000, to remain available until expended: *Provided*, That \$3,000,000 of the foregoing amount shall be available to provide financial assistance to public school districts for the construction and equipment of public school facilities for Navajo Indian children from reservation areas not included in such districts; and \$31,000 shall be for the payment of the excess value of land, water rights, and irrigation structures to be received by the Pyramid Lake Paiute Tribe of Indians of the Pyramid Lake Indian Reservation in exchange for tribal lands of said tribe located in the State of Nevada: *Provided*, That title to the land to be acquired for said tribe described as southeast quarter of section 22, township 21 north, range 24 east, Mount Diablo base and meridian, containing one hundred and sixty acres, more or less, and structures shall be taken in the name of the United States in trust for said tribe: *Provided further*, That the prohibition against the use of funds appropriated under this heading in the Interior Department Appropriation Act, 1955, for the acquisition of land or water rights within the State of Nevada, either inside or outside the boundaries of existing reservations shall not apply to this transaction: *Provided further*, That the limitation under this heading in the Interior Department Appropriation Act, 1955, on the amount available for personal services is increased by \$1,000,000.

Ante, p. 364.

Ante, p. 364.

RELOCATION OF THE YANKTON SIOUX TRIBE

For necessary expenses of relocating the Yankton Sioux Tribe, South Dakota, in accordance with section 8 of Public Law Numbered 478, Eighty-third Congress, to remain available until expended, \$50,000: *Provided*, That said amount shall be assessed against the costs of the Fort Randall Dam and Reservoir, Missouri River Development.

Ante, p. 453.

BUREAU OF RECLAMATION

GENERAL INVESTIGATIONS

For an additional amount for "General investigations", \$400,000, to be derived from the reclamation fund.

CONSTRUCTION AND REHABILITATION

Ante, p. 365.

For an additional amount for "Construction and rehabilitation", \$7,120,000, to remain available until expended, of which \$2,320,000 shall be derived from the reclamation fund, and the limitations under this heading in the Interior Department Appropriation Act, 1955, on the amount available for personal services and travel are increased by \$3,500,000 and \$200,000, respectively: *Provided*, That no part of this appropriation shall be used to initiate construction of the Helena Valley unit, Montana, until a repayment contract has been executed: *Provided further*, That \$250,000 of the unobligated funds heretofore appropriated for the Missouri River Basin project shall be available for additional investigations on the Garrison diversion unit, the White River, and for emergency rehabilitation of the Willow Creek Dam in South Dakota.

BUREAU OF MINES

CONSTRUCTION

For an additional amount for "Construction", \$6,000,000, of which not more than \$175,000 shall be available for personal services, to remain available until expended.

REDUCTION IN APPROPRIATIONS

The unexpended balance of \$19,000 available to the Bureau of Mines for construction of the drainage tunnel at Leadville, Colorado, is to be carried to the surplus fund and covered into the Treasury as miscellaneous receipts immediately upon the approval of this Act.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", \$5,562,101, to remain available until expended.

GENERAL PROVISIONS

Ante, p. 361.

SEC. 702. Limitations on amounts to be expended for personal services under appropriations in the Interior Department Appropriation Act, 1955 (Public Law 465, Eighty-third Congress), shall not apply to lump-sum leave payments pursuant to the Act of December 21, 1944 (5 U. S. C. 61b-d).

Ante, p. 362.

SEC. 703. The limitation for personal services under the heading "Construction, Bonneville Power Administration", contained in the Interior Department Appropriation Act, 1955 (Public Law 465, Eighty-third Congress), is hereby increased from \$6,250,000 to \$6,750,000.

Ante, p. 372.

SEC. 704. Funds appropriated under the heading, "Administration of Territories" in the Interior Department Appropriation Act, 1955 (Public Law Numbered 465, Eighty-third Congress) shall be available to carry out the provisions of the Revised Organic Act of the Virgin Islands (Public Law Numbered 517, Eighty-third Congress).

Ante, p. 497.

CHAPTER VIII

INDEPENDENT OFFICES

COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$414,000: *Provided*, That said appropriation shall be available for the hire of passenger motor vehicles and shall remain available until March 1, 1955: *Provided further*, That the limitation under this head in the Second Supplemental Appropriation Act, 1954, on the amount available for expenses of travel, is increased to "\$222,000".

Ante, p. 25.

COMMISSION ON ORGANIZATION OF THE EXECUTIVE BRANCH OF THE
GOVERNMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$653,150, to remain available until expended: *Provided*, That the limitation on the amount available for expenses of travel is increased by "\$137,700".

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

ADMINISTRATIVE EXPENSES (KOREAN CLAIMS)

For expenses necessary to enable the Foreign Claims Settlement Commission to carry out the provisions of the amendments of 1954 to the War Claims Act of 1948, as amended (50 U. S. C. App. 2004), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and expenses of attendance at meetings concerned with the purposes of this appropriation, the Commission is authorized to use not to exceed \$100,000 of funds made available for administrative expenses of the War Claims Commission: *Provided*, That this paragraph shall be effective only upon the enactment into law of H. R. 9390, Eighty-third Congress.

50 Stat. 810.

Ante, p. 759.

GENERAL SERVICES ADMINISTRATION

ADDITIONAL COURT FACILITIES

For expenses necessary for alteration of Federal buildings to provide facilities for additional Federal judges as authorized by the Act of February 10, 1954 (68 Stat. 8), and additional court personnel, and for expansion of existing court facilities, including costs of moving agencies thereby displaced from space in Federal buildings, \$2,970,600, to remain available until June 30, 1956.

PLANS AND SPECIFICATIONS, LEASE-PURCHASE CONTRACTS

The unobligated balances of the funds made available by section 1 (a) of the Act of June 14, 1946 (60 Stat. 257), the Second Supplemental Appropriation Act, 1950, and the General Appropriation Act, 1951, for the acquisition of sites and the preparation of drawings and specifications for Federal public building projects outside the District of Columbia, as authorized by title I of the Act of June 16, 1949

63 Stat. 973; 64 Stat. 704.

(63 Stat. 176), as amended, and by the Act of May 25, 1926 (44 Stat. 630), as amended, shall be available also for expenses of preparation of drawings and specifications, by contract or otherwise, and administrative expenses, for carrying out the purposes of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, Eighty-third Congress), approved July 22, 1954.

Ante, p. 518.

HOSPITAL FACILITIES IN THE DISTRICT OF COLUMBIA

The appropriation item under the heading "General Services Administration, hospital facilities in the District of Columbia" contained in the Act approved July 15, 1952 (66 Stat. 637), as amended, is hereby amended by inserting after the word "Asylum" at the end of the first proviso, as amended, and before the colon, the phrase "and Georgetown University Hospital".

67 Stat. 427.

OPERATING EXPENSES, FEDERAL SUPPLY SERVICE

For an additional amount, fiscal year 1955, for "Operating expenses, Federal Supply Service", \$60,000; and the limitation under this head in the Independent Offices Appropriation Act, 1955, on the amount available for travel expenses is hereby increased from "\$40,600" to "\$46,600": *Provided*, That this paragraph shall take effect only upon the enactment into law of S. 3155 or H. R. 8753, Eighty-third Congress.

Ante, p. 281.

Post, p. 1126.

EXPENSES, GENERAL SUPPLY FUND

Leased warehouse space temporarily in excess of operating requirements may be subleased to commercial organizations and the proceeds credited to the fund from which rental payments are made during fiscal year 1955.

SURVEY OF GOVERNMENT RECORDS, RECORDS MANAGEMENT, AND DISPOSAL PRACTICES

For necessary expenses, including not to exceed \$25,000 for administrative expenses, in connection with conducting surveys of Government records, and records creation, maintenance, management and disposal practices in Federal agencies, pursuant to sections 505 and 506 of the Federal Property and Administrative Services Act of 1949, as amended, \$300,000: *Provided*, That notwithstanding any other provision of said Act, the Administrator shall have final authority in all matters involving the conduct of surveys and the implementation of recommendations based on such surveys: *Provided further*, That the General Services Administration is authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a): *Provided further*, That a detailed quarterly report on the progress of each survey conducted hereunder shall be made to the Appropriations Committees of the Congress.

63 Stat. 403; 64 Stat. 583.
44 USC 395, 396.

60 Stat. 810.
Report to Congress.

STRATEGIC AND CRITICAL MATERIALS

For an additional amount for "Strategic and critical materials", \$380,000,000, to remain available until expended: *Provided*, That no part of the foregoing amount shall be used for construction of warehouses or tank storage facilities.

HOUSING AND HOME FINANCE AGENCY

OFFICE OF THE ADMINISTRATOR

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,100,000; and the limitation under this head in the Independent Offices Appropriation Act, 1955, on the amount available for expenses of travel, is increased from "\$169,325" to "\$260,825": *Provided*, That the authority contained under this head in the Third Supplemental Appropriation Act, 1954 (Public Law 357) for transfer of funds to this appropriation is continued through December 31, 1954, but additional amounts transferred pursuant to this extension shall not exceed \$250,000, including not to exceed \$25,000 for expenses of travel.

Ante, p. 283.*Ante*, p. 90.

REIMBURSEMENT TO FEDERAL BUREAU OF INVESTIGATION

For reimbursing the Federal Bureau of Investigation for expenses incident to investigation of matters in connection with programs authorized by the National Housing Act, as amended (12 U. S. C. 1701), \$500,000.

48 Stat. 1246.

RESERVE OF PLANNED PUBLIC WORKS

For advances to public agencies and for surveys to carry out the purposes of section 702 of the Housing Act of 1954, \$1,500,000.

Ante, p. 641.

PUBLIC FACILITY LOANS

Public facility loans, payment to revolving fund: For payment to the revolving fund pursuant to section 108 of the Reconstruction Finance Corporation Liquidation Act as amended (40 U. S. C. 459), \$2,000,000: *Provided*, That the provisions of the first proviso under the head "Office of the Administrator, Salaries and expenses" in the Independent Offices Appropriation Act, 1955 (Public Law 428) with respect to expenses of inspections and of providing representatives at project sites shall apply to projects or facilities financed by loans from the revolving fund hereby established, and the limitation on such non-administrative expenses in said proviso is increased from "\$500,000" to "\$525,000".

67 Stat. 231.
Ante, p. 643.*Ante*, p. 283.

URBAN PLANNING GRANTS

For grants to State, regional and metropolitan area planning bodies in accordance with the provisions of section 701 of the Housing Act of 1954, \$1,000,000.

Ante, p. 640.

PUBLIC HOUSING ADMINISTRATION

ADMINISTRATIVE EXPENSES

For an additional amount for "Administrative expenses", \$400,000.

CORPORATIONS

Federal National Mortgage Association: The limitation on the amount available for administrative expenses under this head in title II of the Independent Offices Appropriation Act, 1955 (Public Law 428), shall be exclusive of expenses (including expenses for fiscal

Ante, p. 294.

Ante, p. 612.

agency services performed on a contract or fee basis) in connection with the issuance and servicing of obligations as authorized by title II of the Housing Act of 1954.

67 Stat. 231.
Ante, p. 643.

Office of the Administrator, public facility loans: Not to exceed \$75,000 of funds in the revolving fund established pursuant to section 108 of the Reconstruction Finance Corporation Liquidation Act, as amended (40 U. S. C. 459), shall be available for administrative expenses, but this amount shall be exclusive of payment for services and facilities of the Federal Reserve banks or any member thereof, the Federal home-loan banks, and any insured bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, as amended, 12 U. S. C. 264) which has been designated by the Secretary of the Treasury as a depository of public money of the United States.

64 Stat. 873.
12 USC 1811.

Ante, p. 297.

Federal Housing Administration: The amount made available under this head in title II of the Independent Offices Appropriation Act, 1955 (Public Law 428), for administrative expenses, is increased from \$5,150,000 to \$5,500,000 and the limitation on the amount available for expenses of travel is increased from \$175,000 to \$250,000: *Provided*, That the limitation under said head on the amount available for certain nonadministrative expenses of said Administration is increased from \$25,000,000 to \$26,250,000.

Ante, p. 297.

Public Housing Administration: The amount made available under this head in title II of the Independent Offices Appropriation Act, 1955 (Public Law 428), for administrative expenses of the Public Housing Administration in carrying out duties imposed by law, is increased from \$6,950,000 to \$7,350,000; and the limitation under said head on the amount available for expenses of travel is increased from \$500,000 to \$540,000.

NATIONAL SCIENCE FOUNDATION

INTERNATIONAL GEOPHYSICAL YEAR

64 Stat. 149.

For necessary expenses to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U. S. C. 1861-1875), as they pertain to the United States program for the International Geophysical Year, \$2,000,000, to remain available until expended.

Ante, p. 92.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

61 Stat. 584.
31 USC 849.

60 Stat. 810.

63 Stat. 959.
5 USC 1105.

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to it and in accord with law, including not to exceed \$250,000 for administrative expenses, and to make such contracts and commitments without regard to fiscal year limitations as provided in section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized functions for the fiscal year 1955: *Provided*, That said funds shall be available for the acquisition of not to exceed two passenger motor vehicles from excesses reported by other agencies, or from forfeitures; for services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed \$100 per day; and the Administrator is authorized, subject to the procedures prescribed by section 505 of the Classification Act of 1949, to place not more than four positions in grades 16, 17, or 18 of the General Schedule established by said Act, and such positions shall be in addition to the number authorized by said section.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$200,000: *Provided*, That not to exceed \$2,500 of the funds made available for administrative expenses in this Act under the head "Saint Lawrence Seaway Development Corporation" may be used for emergencies and extraordinary expenses to be expended upon the approval or authority of the Administrator.

VETERANS ADMINISTRATION

INPATIENT CARE

For an additional amount for "Inpatient care", \$3,000,000: *Provided*, That this amount is predicated on furnishing inpatient care and treatment to an average of 570 beneficiaries during the fiscal year 1955 in addition to those heretofore provided for.

WAR CLAIMS COMMISSION

ADMINISTRATIVE EXPENSES

For an additional amount for "Administrative expenses", \$400,000, to be derived from the war claims fund created by section 13 (a) of the War Claims Act of 1948 (Public Law 896, approved July 3, 1948): *Provided*, That the limitation under this head in the Independent Offices Appropriation Act, 1955, on the amount available for expenses of travel is increased to "\$8,000".

62 Stat. 1247.
50 U S C app.
2012.
Ante, p. 293.

CHAPTER IX

MILITARY CONSTRUCTION

DEPARTMENT OF DEFENSE

INTERSERVICE ACTIVITIES

ACCESS ROADS

For advances to the Bureau of Public Roads, Department of Commerce, for the purposes of section 6 of the Defense Highway Act of 1941 (55 Stat. 765), as amended, and section 12 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), as amended, when projects authorized therein are certified as important to the national defense by the Secretary of Defense, \$13,500,000, to remain available until expended.

55 Stat. 766.
23 USC 106 and
note.

FAMILY HOUSING

For family housing authorized by the enactment into law of H. R. 9924, Eighty-third Congress, not to exceed \$75,000,000 to be made available to the respective military departments in such amounts as may be determined by the Secretary of Defense, to remain available until expended: *Provided*, That funds appropriated under this heading shall not be used for family housing unless the Secretary of Defense certifies that (1) it is impracticable to construct family housing under the provisions of title VIII of the National Housing Act, and (2) that adequate housing at reasonable rental rates is not available in the

Post, p. 1119.

12 USC 1748-
1748h.

Air Force Academy.
Ante, p. 47.

33 USC 733.

immediate vicinity of the military installation, and (3) it is impracticable to acquire suitable housing under other existing provisions of law: *Provided further*, That the provisions of section 708 of Public Law 458, approved June 30, 1954 (68 Stat. 350), shall not apply to two hundred and fifty units of family housing provided for by this Act but the individual cost of such units shall in no event exceed \$20,000 per unit: *Provided further*, That the construction authorized by the Act of April 1, 1954 (Public Law 325, Eighty-third Congress), may be accomplished prior to approval of title to underlying land, as provided by section 355, as amended, of the Revised Statutes.

DEPARTMENT OF THE ARMY

ALASKA COMMUNICATION SYSTEM, CONSTRUCTION

64 Stat. 378.
63 Stat. 934.
Ante, p. 560.
10 USC 1339; 40
USC 259, 267.

For construction, installation, and equipment of temporary or permanent public works, including buildings, facilities, appurtenances, and utilities, at stations of the Alaska Communication System, as authorized by the Act of June 12, 1948 (Public Law 626), the Act of October 27, 1949 (Public Law 414), and the Act of July 27, 1954 (Public Law 534, Eighty-third Congress), without regard to sections 1136 and 3734, Revised Statutes, as amended, including hire of passenger motor vehicles, \$503,000, to remain available until expended.

ARMY NATIONAL GUARD

The Secretary of the Army may transfer not to exceed \$1,500,000 to the appropriation "Army National Guard, 1955" for additional State National Guard civilian employees from any appropriation available to the Department of the Army when such transfers are determined by the Secretary of the Army to be in the national interest.

DEPARTMENT OF THE NAVY

PUBLIC WORKS, NAVY

65 Stat. 343.
66 Stat. 609.
Ante, p. 539.

65 Stat. 363.

53 Stat. 591.

For construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy, as authorized by the Act of June 16, 1948 (62 Stat. 459), the Act of September 28, 1951 (Public Law 155, Eighty-second Congress), the Act of July 14, 1952 (Public Law 534, Eighty-second Congress), and the Act of July 27, 1954 (Public Law 534, Eighty-third Congress); including not to exceed \$3,750,000 for advance planning as authorized by section 504 of said Act of September 28, 1951; furniture for public quarters; personnel in the Bureau of Yards and Docks and other personal services necessary for the purposes of this appropriation; and engineering and architectural services as authorized by section 3 of the Act of April 25, 1939 (34 U. S. C. 556); \$98,000,000, to remain available until expended.

DEPARTMENT OF THE AIR FORCE

ACQUISITION AND CONSTRUCTION OF REAL PROPERTY

64 Stat. 1222.
65 Stat. 350.

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations and facilities for the Air Force as authorized by the Act of January 6, 1951 (Public Law 910, Eighty-first Congress), the Act of September 28, 1951 (Public Law 155, Eighty-second Congress), the Act of July 14, 1952

(Public Law 534, Eighty-second Congress), the Act of August 7, 1953 (Public Law 209, Eighty-third Congress), the Act of April 1, 1954 (Public Law 325, Eighty-third Congress), and the Act of July 27, 1954 (Public Law 534, Eighty-third Congress), without regard to sections 1136 and 3734, Revised Statutes, as amended, including hire of passenger motor vehicles; \$630,000,000, to remain available until expended.

66 Stat. 613.
67 Stat. 444.
Ante, p. 47.
Ante, p. 543.
10 USC 1339; 40 USC 259, 267.

GENERAL PROVISIONS

SEC. 902. Funds appropriated to the military departments for military public works in prior years are hereby made available for military public works authorized for each such department by the Act of July 27, 1954 (Public Law 534, Eighty-third Congress): *Provided*, That not to exceed \$5,000,000 of such prior year funds appropriated to the Department of the Army shall be available for the purposes of advance planning as authorized by section 504 of the Act of September 28, 1951 (Public Law 155, Eighty-second Congress).

Funds available.

Ante, p. 535.

65 Stat. 364.
31 USC 723.

SEC. 903. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work where cost estimates exceed \$25,000 to be performed within the continental United States without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Cost-plus-a-fixed-fee contracts.

SEC. 904. None of the funds appropriated in this Act shall be expended for additional costs involved in expediting construction: *Provided*, That the Secretary of Defense, or his designee for the purpose, shall establish a reasonable completion date for each project, taking into consideration the type and location of the project, the climatic and seasonal conditions affecting the construction and the application of economical construction practices.

Construction, completion.

SEC. 905. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or dry-cleaning facility in the United States, its Territories or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Bakery, laundry, etc., facilities.

SEC. 906. (a) The Department of Defense is authorized to acquire by purchase, or by lease or otherwise for a period not to exceed seven years, not to exceed six vessels capable of transporting, loading and unloading railroad rolling stock, on rails by the roll-on, roll-off method, as well as, wheeled and tracked military equipment to be loaded and discharged under their own power.

Acquisition of vessels.

(b) Funds are hereby authorized to be appropriated for the purpose of carrying out the provisions of this section.

Appropriation.

SEC. 907. The Secretary of the Army is authorized to receive the sum of \$500,000 in partial consideration for the conveyance by the Secretary of Health, Education and Welfare for educational purposes pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 to the Los Angeles City High School District of Los Angeles County, California, of all right, title, and interest of the United States to that portion of the Birmingham General Hospital tract now occupied by troops (consisting of 40.0 acres of land, more or less, and improvements thereon) located at Van Nuys, California, provided such sum is received by the Secretary of the Army on or before 1 July 1956. Upon receipt by the Secretary of the Army such sum shall be credited to the appropriation, "Military Construction, Army", and shall be available for (1) the construction and other costs involved in moving to a suitable Government-owned site not more than eight buildings to be selected by the Secretary of the Army

Birmingham General Hospital, Van Nuys, Calif. Conveyance. 63 Stat. 377. 40 USC 471 note.

to be excluded from the conveyance by the Secretary of Health, Education and Welfare, and (2) the construction of additional supporting facilities at such site as may be required for authorized defense construction, at a total cost of not to exceed \$500,000.

Occupancy by
troops.

In addition to other terms, conditions, and restrictions contained in the deed whereby the Birmingham General Hospital is conveyed to such School District, the School District shall agree, as a part of the consideration for the conveyance to permit any buildings required by the Secretary of the Army to remain in place for continued occupancy by troops for a period of not to exceed nine months after the date of conveyance of said property to the School District.

CHAPTER X

DEPARTMENT OF DEFENSE

DEPARTMENT OF THE ARMY

RIVERS AND HARBORS AND FLOOD CONTROL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", \$5,985,000 to remain available until expended, of which \$600,000 shall be available for advanced engineering and design by the Corps of Engineers for projects which have been authorized for development with participation by State, local government or private groups and for authorized projects which are under consideration for participation by such agencies.

Muskogee, Okla.

For contribution to the city of Muskogee, toward the construction of a water supply pipeline from the existing city water supply intake on the Grand River near its junction with the Arkansas River to Fort Gibson Dam, in settlement for all damages to the water supply of the city of Muskogee, on account of the construction and operation of Fort Gibson Reservoir, \$200,000 out of funds previously appropriated.

OPERATION AND MAINTENANCE, GENERAL

Yaquina Bay
Harbor, Oreg.

Not to exceed \$600,000 of funds previously appropriated under this head shall be available until expended for repairs to the north jetty at Yaquina Bay Harbor, Oregon.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Flood control, Mississippi River and tributaries", \$1,000,000 to remain available until expended, to be derived by transfer from "Operation and Maintenance, general".

CHAPTER XI

EMERGENCY PROGRAMS AND ACTIVITIES

DEPARTMENT OF STATE

GOVERNMENT IN OCCUPIED AREAS

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in Germany and Austria (including those arising under the supreme authority assumed

by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany), under such regulations as the Secretary of State may prescribe, including one deputy to the United States chief of mission in Germany at a salary of \$17,500 and the United States Member of the Board for the Validation of German Bonds in the United States at a salary of \$14,800; actual expenses of preparing and transporting to their former homes the remains of persons who may die away from their homes while participating in activities authorized under this appropriation; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of \$50 per diem for individuals; payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; expenses for translation and reproduction rights; acquisition, maintenance, operation, and distribution of rehabilitation materials and equipment for Germany and Austria; medical and health assistance for the civilian population of Germany and Austria; expenses incident to maintaining discipline and order (including trial and punishment by courts established by or under authority of the President); printing and binding outside continental United States without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); purchase, rental, operation, and maintenance of printing and binding machines, equipment, and devices abroad; purchase (one at not to exceed \$3,000 for replacement only) and hire of passenger motor vehicles; transportation to Germany or Austria of property donated for the purposes of this appropriation; unforeseen contingencies (not to exceed \$150,000), to be accounted for pursuant to the provisions of section 291 of the Revised Statutes (31 U. S. C. 107); representation allowances (not to exceed \$42,500) similar to those authorized by section 901 (3) of the Foreign Service Act of 1946 (22 U. S. C. 1131); and for administering, in Germany and Austria, programs authorized by section 32 (b) (2) of the Surplus Property Act of 1944, as amended (50 U. S. C. App. 1641 (b)); \$14,000,000, and in addition, \$1,000,000 for acquisition of sites and purchase or construction of buildings for living quarters in Austria, to remain available until expended: *Provided*, That provisions of law, including current appropriation Acts, applicable to the Department of State shall be available for application to expenditures made from this appropriation: *Provided further*, That when section 601 of the Economy Act of 1932, as amended (31 U. S. C. 686), is employed to carry out the purposes of this appropriation the requisitioned agency may utilize the authority contained in this appropriation: *Provided further*, That expenditures from this appropriation may be made outside the continental United States, when necessary to carry out its purposes, without regard to sections 355 and 3648, Revised Statutes, as amended: *Provided further*, That for the purposes of this appropriation appointments may be made to the Foreign Service Reserve without regard to the four-year limitation contained in section 522 of the Foreign Service Act of 1946: *Provided further*, That in the event the President assigns to the Department of State responsibilities and obligations of the United States in connection with the government, occupation, or control of foreign areas in addition to Germany and Austria, the authorities contained in this appropriation may be utilized by the Department of State in connection with such government, occupation, or control of such foreign areas: *Provided further*, That when the Department of the Army, under the authority of the Act of March 3, 1911, as amended (10 U. S. C. 1253), furnishes subsistence supplies to personnel of civilian agencies of the United States Government serving in Germany

60 Stat. 810.

62 Stat. 983.

40 Stat. 1270; 63 Stat. 405.

60 Stat. 1026.

60 Stat. 754.

47 Stat. 417.

33 USC 733; 31 USC 529.

60 Stat. 1009.
22 USC 922.

Control in foreign areas.

Subsistence supplies.

36 Stat. 1047.

Living quarters
in Austria.

and Austria, payment therefor by such personnel shall be made at the same rate as is paid by civilian personnel of the Department of the Army serving in Germany and Austria, respectively: *Provided further*, That amounts for acquisition of sites and purchase or construction of buildings for living quarters in Austria shall be used exclusively for purchase of foreign credits (including currencies) owed to or owned by the United States and may be transferred to the appropriation "Acquisition of buildings abroad".

FUNDS APPROPRIATED TO THE PRESIDENT

EMERGENCY FUND FOR INTERNATIONAL AFFAIRS

Report to legis-
lative committees.

For expenses necessary to enable the President to take such measures as he deems appropriate to meet extraordinary or unusual circumstances arising in the international affairs of the Government, \$5,000,000, to remain available until expended, for use in the President's discretion and without regard to such provisions of law as he may specify: *Provided*, That the President shall transmit to the Committees on Appropriations of the Senate and of the House of Representatives, not less often than quarterly, a full report of expenditures under this appropriation.

REFUGEE RELIEF

67 Stat. 400.
50 USC app. 1971
note.
60 Stat. 810.

40 Stat. 1270.

For expenses necessary to enable the President, by transfer to such officer or agency of the Government as may be appropriate, to carry out the provisions of the Refugee Relief Act of 1953 (Public Law 203, approved August 7, 1953), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of \$50 per diem for individuals; printing and binding outside the continental United States without regard to section 11 of the Act of March 1, 1919 (44 U. S. C. 111); hire of passenger motor vehicles; expenses of attendance at meetings concerned with the purpose of this appropriation; not to exceed \$150,000 for expenses of a confidential nature, to be accounted for solely on the certificate of the officer to whom funds are transferred by the President from this appropriation; and not to exceed \$600,000 for capital for the making of loans; \$8,000,000: *Provided*, That funds appropriated herein shall be available in accordance with authority granted hereunder or under authority governing the activities of the Government agencies to which such funds are allocated.

CONSTRUCTION OF TANKERS

Ante, p. 681.

For construction of tankers as authorized by the Act of August 10, 1954, Public Law 575, \$30,000,000 to remain available until expended: *Provided*, That this appropriation may be transferred to such appropriation as the President may designate.

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

GOVERNMENT AND RELIEF IN OCCUPIED AREAS

Ryukyu Islands.

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government or occupation of the Ryukyu Islands, including, subject to such authorizations and limitations as may be prescribed by the head of the department or agency concerned, tuition, travel expenses, and fees incident to instruction in the United States or elsewhere of

such persons as may be required to carry out the provisions of this appropriation; travel expenses and transportation; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not in excess of \$50 per diem for individuals not to exceed ten in number; translation rights, photographic work, education exhibits, and dissemination of information, including preview and review expenses incident thereto; hire of passenger motor vehicles and aircraft; repair and maintenance of buildings, utilities, facilities, and appurtenances; and such supplies, commodities, and equipment as may be essential to carry out the purposes of this appropriation; \$3,100,000, of which not to exceed \$1,000,000 shall be available for administrative expenses: *Provided*, That the general provisions of the Appropriation Act for the current fiscal year for the military functions of the Department of the Army shall apply to expenditures made by that Department from this appropriation: *Provided further*, That expenditures from this appropriation may be made outside continental United States, when necessary to carry out its purposes, without regard to sections 355, 1136, 3648, and 3734, Revised Statutes, as amended, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That expenditures from this appropriation may be made, when necessary to carry out its purposes, without regard to section 3709, Revised Statutes, as amended, and the Armed Services Procurement Act of 1947 (41 U. S. C. 151–161): *Provided further*, That expenditures may be made hereunder for the purposes of economic rehabilitation in the Ryukyu Islands in such manner as to be consistent with the general objectives of the Economic Cooperation Act of 1948, as amended, and in the manner authorized by section 111 (b) (1) and the first sentence of section 111 (c) (1) thereof: *Provided further*, That funds appropriated hereunder and unexpended at the time of the termination of occupation by the United States, of any area for which such funds are made available, may be expended by the President for the procurement of such commodities and technical services, and commodities procured from funds herein or heretofore appropriated for government and relief in occupied areas and not delivered to such an area prior to the time of the termination of occupation, may be utilized by the President, as may be necessary to assist in the maintenance of the political and economic stability of such areas: *Provided further*, That before any such assistance is made available, an agreement shall be entered into between the United States and the recognized government or authority with respect to such area containing such undertakings by such government or authority as the President may determine to be necessary in order to assure the efficient use of such assistance in furtherance of such purposes: *Provided further*, That such agreement shall, when applicable, include requirements and undertakings corresponding to the requirements and undertakings specified in sections 5, 6, and 7 of the Foreign Aid Act of 1947 (Public Law 389, approved December 17, 1947): *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the head of the department or agency concerned to pay ocean transportation charges from United States ports, including territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That under the rules and regulations to be prescribed, the head of the department or agency

60 Stat. 810.

33 USC 733 and
note; 10 USC 1339;
31 U S C 529; 40
USC 259, 267.

41 USC 5.
62 Stat. 21.

62 Stat. 137.
22 U S C 1501
note; 1509.

Agreement.

61 Stat. 935.
22 U S C 1411
note.
Ocean transpor-
tation charges for
relief packages.

Transf. of func-
tions.

concerned shall fix and pay a uniform rate per pound for the ocean transportation of all relief packages of food or other general classification of commodities shipped to the Ryukyus regardless of methods of shipment and higher rates charged by particular agencies of transportation, but this proviso shall not apply to shipments made by individuals to individuals: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Bureau of the Budget shall determine to relate primarily to any function or functions so transferred.

FEDERAL CIVIL DEFENSE ADMINISTRATION

OPERATIONS

64 Stat. 1245.
60 Stat. 810.

For necessary expenses, not otherwise provided for, in carrying out the provisions of the Federal Civil Defense Act of 1950, as amended (50 U. S. C., App. 2251–2297), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); reimbursement of the Civil Service Commission for full field investigations of employees occupying positions of critical importance from the standpoint of national security; expenses of attendance at meetings concerned with civil defense functions; reimbursement of the General Services Administration for security guard services; not to exceed \$9,000 for the purchase of newspapers, periodicals, and teletype news services; and not to exceed \$6,000 for emergency and extraordinary expenses to be expended under the direction of the Administrator for such purposes as he deems proper, and his determination thereon shall be final and conclusive; \$10,025,000.

FEDERAL CONTRIBUTIONS

64 Stat. 1248.
50 U. S. C. app.
2281.

For financial contributions to the States, not otherwise provided for, pursuant to subsection (i) of section 201 of the Federal Civil Defense Act of 1950, as amended, to be equally matched with State funds, \$12,000,000, to remain available until June 30, 1956: *Provided*, That not to exceed \$1,300,000 of the unobligated balance of the 1954 appropriation for this purpose shall remain available until June 30, 1955.

EMERGENCY SUPPLIES AND EQUIPMENT

64 Stat. 1248.
50 U. S. C. app.
2281.

For procurement of reserve stocks of emergency civil defense materials as authorized by subsection (h) of section 201 of the Federal Civil Defense Act of 1950, as amended, \$26,000,000.

JAMESTOWN-WILLIAMSBURG-YORKTOWN CELEBRATION COMMISSION

60 Stat. 810.

For expenses necessary to carry out the provisions of the Act of August 13, 1953 (67 Stat. 576), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed \$50 per diem for individuals; transportation and not to exceed \$20 per diem in lieu of subsistence for members of the Commission serving without compensation; purchase of not to exceed two passenger motor vehicles; and entertainment; \$100,000.

ALEXANDER HAMILTON BICENTENNIAL COMMISSION

Ante, p. 746.

For necessary expenses to carry out the provisions of Senate Joint Resolution Numbered 140, \$10,000: *Provided*, That this paragraph

shall become effective only upon the enactment of Senate Joint Resolution 140 of the Eighty-third Congress.

GENERAL SERVICES ADMINISTRATION

ADMINISTRATIVE EXPENSES, ABACA FIBER PROGRAM

The General Services Administration is hereby authorized to make such expenditures, within the limits of funds available to it and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget submitted to the Congress for the activities authorized by the Abaca Production Act of 1950 for the fiscal year 1955, but not to exceed \$135,000 of such funds shall be available during said fiscal year for administrative expenses of the abaca fiber program, to be computed on an accrual basis, and to be exclusive of the interest paid, depreciation, capitalized expenditures, expenses in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property relating to the abaca fiber program, and expenses of services performed on a contract or fee basis in connection with the performance of legal services.

61 Stat. 584.
31 USC 849.

64 Stat. 435.
50 USC 541 note.

TREASURY DEPARTMENT

FEDERAL FACILITIES CORPORATION

The Federal Facilities Corporation is hereby authorized to make such expenditures, within the limits of funds available to it and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget submitted to the Congress for such Corporation for the fiscal year 1955, but not to exceed \$1,954,000 shall be available during the said fiscal year for all administrative expenses of the Corporation (including use of the services and facilities of Federal reserve banks), to be computed on an accrual basis, and to be exclusive of interest paid, depreciation, capitalized expenditures, expenses in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to the Corporation or in which it has an interest, expenses of services performed on a contract or fee basis in connection with the performance of legal services, and all administrative expenses reimbursable from other Government agencies: *Provided*, That, so long as the Corporation shall have succession, all real property transferred to or acquired by it shall continue to be subject to taxes (including assessments for local improvements) to the same extent as authorized by law immediately prior to such transfer, and any Government officer, agency, or instrumentality to whom any such property is so transferred is authorized and directed to pay such taxes and assessments, but said Corporation, its income, and property, shall not otherwise be subject to any Federal, State, or local taxes.

61 Stat. 584.
31 USC 849.

Taxes.

CHAPTER XII

CLAIMS FOR DAMAGES, AUDITED CLAIMS, AND JUDGMENTS

For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims cer-

tified to be due by the General Accounting Office, and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in Senate Documents Numbered 144 and 146 and House Document Numbered 461, Eighty-third Congress, \$11,472,202, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

CHAPTER XIII

GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

- Passenger vehicles.** 60 Stat. 810. SEC. 1301. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year, in accordance with section 16 of the Act of August 2, 1946 (5 U. S. C. 78), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, and station wagons), is hereby fixed at \$1,400. Notwithstanding any limitation on cost of passenger motor vehicles carried in the 1955 Appropriation Acts, not more than \$3,000 may be expended during the current fiscal year for any such vehicle.
- Citizenship requirements.** SEC. 1302. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, (3) is a person who owes allegiance to the United States or (4) is an alien from the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony and, upon conviction, shall be fined not more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort.
- Affidavit.**
- Penalty.**
- Payment recoverable.**
- Exception.**
- Travel expenses.** SEC. 1303. Appropriations of the executive departments and independent establishments for the current fiscal year, available for expenses of travel or for the expenses of the activity concerned, are hereby made available for living quarters allowances in accordance

with the Act of June 26, 1930 (5 U. S. C. 118a), and regulations prescribed thereunder, and cost-of-living allowances similar to those allowed under section 901 (2) of the Foreign Service Act of 1946, in accordance with and to the extent prescribed by regulations of the President, for all civilian officers and employees of the Government permanently stationed in foreign countries: *Provided*, That the availability of appropriations made to the Department of State for carrying out the provisions of the Foreign Service Act of 1946 shall not be affected hereby.

SEC. 1304. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 1305. No part of any appropriation contained in this or any other Act for the current fiscal year shall be used to pay in excess of \$4 per volume for the current and future volumes of the United States Code Annotated, and such volumes shall be purchased on condition and with the understanding that latest published cumulative annual pocket parts issued prior to the date of purchase shall be furnished free of charge, or in excess of \$4.25 per volume for the current or future volumes of the Lifetime Federal Digest.

SEC. 1306. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U. S. C. 841), shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 1307. No part of any funds of or available to any wholly-owned Government corporation shall be used for the purchase or construction, or in making loans for the purchase or construction of any office building, without specific authority in law therefor, primarily for occupancy by any department or agency of the United States Government or by any corporation owned by the United States Government.

SEC. 1308. During the current fiscal year, personnel and appropriations or funds available for salaries and expenses to any department, agency, or corporation in the executive branch of the Government, shall be transferred to any defense activity under the jurisdiction of such department or agency in such numbers or amounts as may be necessary for the discharge of responsibilities relating to the national defense assigned to such department, agency, or corporation by or pursuant to law.

SEC. 1309. During the current fiscal year, the provisions of Bureau of the Budget Circular A-45, dated June 3, 1952, shall be controlling over the activities of all departments, agencies, and corporations of the Government: *Provided*, That said circular may be amended or changed during such year by the Director of the Budget with the approval of the Chairman of the Committee on Appropriations of the House of Representatives: *Provided further*, That the Bureau of the Budget shall make a report to Congress not later than January 31, 1955, of the operations of this order upon all departments, agencies, and corporations of the Government: *Provided further*, That, notwithstanding the provisions of any other law, no officer or employee shall be required

46 Stat. 818.

60 Stat. 1026.
22 USC 1131.

22 USC 801 note.

Senate disapproval of personnel.

U. S. Code Annotated; Lifetime Federal Digest.

Administrative expenses.

59 Stat. 597.

60 Stat. 810.

Office building.

Transfer of personnel or funds.

Budget Circular A-45.

Report to Congress.

to occupy any Government-owned quarters unless the head of the agency concerned shall determine that necessary service cannot be rendered or property of the United States cannot be adequately protected otherwise.

Foreign credits.
31 USC 724.

SEC. 1310. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits) and for liquidation of obligations legally incurred against such credits prior to July 1, 1953, only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury: *Provided further*, That nothing in section 1415 of the Act of July 15, 1952, or in this section shall be construed to prevent the making of new or the carrying out of existing contracts, agreements, or executive agreements for periods in excess of one year, in any case where such contracts, agreements, or executive agreements for periods in excess of one year were permitted prior to the enactment of this Act under section 32 (b) (2) of the Surplus Property Act of 1944, as amended (50 U. S. C. App. 1641 (b) (2)), and the performance of all such contracts, agreements, or executive agreements shall be subject to the availability of appropriations for the purchase of credits as provided by law.

60 Stat. 754.

Documentary evidence of obligation.

SEC. 1311. (a) After the date of enactment hereof no amount shall be recorded as an obligation of the Government of the United States unless it is supported by documentary evidence of—

(1) a binding agreement in writing between the parties thereto, including Government agencies, in a manner and form and for a purpose authorized by law, executed before the expiration of the period of availability for obligation of the appropriation or fund concerned for specific goods to be delivered, real property to be purchased or leased, or work or services to be performed; or

(2) a valid loan agreement, showing the amount of the loan to be made and the terms of repayment thereof; or

(3) an order required by law to be placed with a Government agency; or

(4) an order issued pursuant to a law authorizing purchases without advertising when necessitated by public exigency or for perishable subsistence supplies or within specific monetary limitations; or

(5) a grant or subsidy payable (i) from appropriations made for payment of or contributions toward, sums required to be paid in specific amounts fixed by law or in accord with formulae prescribed by law, or (ii) pursuant to agreement authorized by, or plans approved in accord with and authorized by, law; or

(6) a liability which may result from pending litigation brought under authority of law; or

(7) employment or services of persons or expenses of travel in accord with law, and services performed by public utilities; or

(8) any other legal liability of the United States against an appropriation or fund legally available therefor.

Report to Congress.

(b) Not later than September 30 of each year, the head of each Federal agency shall report, as to each appropriation or fund under the control of such agency, the amount thereof remaining obligated but unexpended and the amount thereof remaining unobligated on

June 30 of such year and copies of such report shall be forwarded by him to the chairman of the Committees on Appropriations of the Senate and the House of Representatives, to the Comptroller General of the United States, and to the Director of the Bureau of the Budget: *Provided*, That such report for the fiscal year ending June 30, 1954, shall be made not later than December 31, 1954, and shall include only such obligations as could have been recorded under the provisions of subsection (a) hereof.

(c) Each report made pursuant to subsection (b) shall be supported by certifications of the officials designated by the head of the agency, and such certifications shall be supported by records evidencing the amounts which are reported therein as having been obligated. Such certifications and records shall be retained in the agency in such form as to facilitate audit and reconciliation for such period as may be necessary for such purposes. The officials designated by the head of the agency to make certifications may not redelegate the responsibility.

Certifications.

(d) No appropriation or fund which is limited for obligation purposes to a definite period of time shall be available for expenditure after the expiration of such period except for liquidation of amounts obligated in accord with subsection (a) hereof; but no such appropriation or fund shall remain available for expenditure for any period beyond that otherwise authorized by law.

Restriction.

(e) Any statement of obligation of funds furnished by any agency of the Government to the Congress or any committee thereof shall include only such amounts as may be valid obligations as defined in subsection (a) hereof.

Statement of obligation.

SEC. 1312. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation included in this Act, shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this or any other Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Strikes or overthrow of Government.

Affidavit.

Penalty.

SEC. 1313. The appropriations, authorizations, and authority with respect thereto in this Act shall be available from July 1, 1954, for the purposes provided in such appropriations, authorizations, and authority. All obligations incurred during the period between June

Ratification of obligations.

Ante, p. 448.

30, 1954, and the date of enactment of this Act in anticipation of such appropriations, authorizations, and authority are hereby ratified and confirmed if in accordance with the terms hereof and the terms of Public Law 475, Eighty-third Congress.

Approved August 26, 1954.

Public Law 664

CHAPTER 936

August 26, 1954
[S. 3233]

AN ACT

To amend the Merchant Marine Act, 1936, to provide permanent legislation for the transportation of a substantial portion of waterborne cargoes in United States-flag vessels.

U. S. merchant
vessels.
Cargo prefer-
ence.
49 Stat. 2015.
46 USC 1241.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 901 of the Merchant Marine Act, 1936, as amended, is hereby amended by inserting "(a)" after "SEC. 901." and by adding at the end of the section the following new subsection:

"(b) whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provision for reimbursement, any equipment, materials, or commodities, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such equipment, materials, or commodities, the appropriate agency or agencies shall take such steps as may be necessary and practicable to assure that at least 50 per centum of the gross tonnage of such equipment, materials, or commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers), which may be transported on ocean vessels shall be transported on privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels, in such manner as will insure a fair and reasonable participation of United States-flag commercial vessels in such cargoes by geographic areas: *Provided*, That the provisions of this subsection may be waived whenever the Congress by concurrent resolution or otherwise, or the President of the United States or the Secretary of Defense declares that an emergency exists justifying a temporary waiver of the provisions of section 901 (b) and so notifies the appropriate agency or agencies: *And provided further*, That the provisions of this subsection shall not apply to cargoes carried in the vessels of the Panama Canal Company. Nothing herein shall repeal or otherwise modify the provisions of Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500), as amended."

15 USC 616a.

Approved August 26, 1954.

Public Law 665

CHAPTER 937

August 26, 1954
[H. R. 9678]

AN ACT

To promote the security and foreign policy of the United States by furnishing assistance to friendly nations, and for other purposes.

Mutual Security
Act of 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mutual Security Act of 1954".

TITLE I—MUTUAL DEFENSE ASSISTANCE

CHAPTER 1. MILITARY ASSISTANCE

SEC. 101. PURPOSE OF CHAPTER.—The Congress of the United States reaffirms the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except in the common defense. The Congress hereby finds that the efforts of the United States and other nations to promote peace and security require additional measures of support based upon the principle of continuous and effective self-help and mutual aid. It is the purpose of this chapter to authorize measures in the common defense, including the furnishing of military assistance to friendly nations and international organizations in order to promote the foreign policy, security, and general welfare of the United States and to facilitate the effective participation of such nations in arrangements for individual and collective self-defense. In furnishing such military assistance, it remains the policy of the United States to continue to exert maximum efforts to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying nations against violation and evasion.

The Congress reaffirms its previous expressions favoring the creation by the free peoples of the Far East and the Pacific of a joint organization, consistent with the Charter of the United Nations, to establish a program of self-help and mutual cooperation designed to develop their economic and social well-being, to safeguard basic rights and liberties and to protect their security and independence.

The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

Communist
China. Opposition
to UN seating.

SEC. 102. GENERAL AUTHORITY.—Military assistance may be furnished under this chapter on a grant or loan basis and upon such other appropriate terms as may be agreed upon, by the procurement from any source and the transfer to eligible nations and international organizations of equipment, materials, and services or by the provision of any service, including the assignment or detail of members of the Armed Forces and other personnel of the Department of Defense solely to assist in an advisory capacity or to perform other duties of a noncombatant nature, including military training or advice.

SEC. 103. AUTHORIZATIONS.—(a) There is hereby authorized to be appropriated to the President, in addition to appropriations authorized by section 104, not to exceed \$1,270,000,000, to carry out the purpose of this chapter; and, in addition, unexpended balances of appropriations for military assistance under each paragraph of the Mutual Security Appropriation Act, 1954 (including the appropriation for mutual special weapons planning), are hereby authorized to be continued available for the purpose of this chapter and to be consolidated with the appropriation authorized by this subsection; all of which is hereby authorized to be continued available through June 30, 1955.

(b) Funds made available pursuant to subsection (a) of this section shall be available for the administrative and operating expenses of carrying out the purpose of this chapter including expenses incident to United States participation in international security organizations.

(c) Funds made available pursuant to subsection (a) of this section may be used for the procurement of equipment or materials outside the United States unless the President determines that such procurement will result in one or more of the following conditions:

(1) Adverse effects upon the economy of the United States, with special reference to any areas of labor surplus, or upon the industrial mobilization base, which outweigh the strategic and logistic advantages to the United States of procurement abroad;

(2) Production of such equipment or materials outside the United States under inadequate safeguards against sabotage or the release to potential enemies of information detrimental to the security of the United States;

(3) Unjustifiable cost in comparison with procurement in the United States, taking into account transportation costs for delivery overseas; and

(4) Delays in delivery incompatible with United States defense objectives.

SEC. 104. INFRASTRUCTURE.—(a) The President is authorized to make contributions to infrastructure programs of the North Atlantic Treaty Organization, in accordance with agreements already made between the member nations, out of funds made available pursuant to this section, or section 103, or chapter IX of the Supplemental Appropriation Act, 1953, of amounts totaling not more than \$780,000,000, less amounts already contributed for such purpose. There is hereby authorized to be appropriated to the President for such purpose, in installments prior to June 30, 1958, not to exceed \$321,000,000, to remain available until expended. Such contributions by the United States shall not exceed its proportionate share, as heretofore agreed upon, of the expenses of such programs.

(b) When the President determines that it is in the interest of the security of the United States to participate in programs for the acquisition or construction of facilities in foreign nations for collective defense other than programs of the North Atlantic Treaty Organization, he may use for such purpose funds made available under section 103 or local currencies made available under section 402 in amounts totaling not more than \$50,000,000.

(c) Notwithstanding section 501 of this Act, no funds other than those referred to in subsections (a) and (b) of this section may be expended for the purposes of this section. No funds shall be expended under this section for rental or purchase of land or for payment of taxes.

SEC. 105. CONDITIONS APPLICABLE TO MILITARY ASSISTANCE.—(a) Military assistance may be furnished under this chapter to any nation whose increased ability to defend itself the President shall have determined to be important to the security of the United States and which is otherwise eligible to receive such assistance. Equipment and materials furnished under this chapter shall be made available solely to maintain the internal security and legitimate self-defense of the recipient nation, or to permit it to participate in the defense of its area or in collective security arrangements and measures consistent with the Charter of the United Nations. The President shall be satisfied that such equipment and materials will not be used to undertake any act of aggression against any nation.

(b) In addition to the authority and limitations contained in the preceding subsection, the following provisions shall apply to particular areas:

(1) In order to promote an integrated defense of the North Atlantic area and to support concrete measures for political federation, military integration, and economic unification in Europe, equipment and materials of the value programed for fiscal years 1954 and 1955 for nations signing the treaty constituting the European Defense Community shall, pending the coming into force of the treaty, be delivered only to such of these nations as have ratified the treaty, and have joined together in or are developing collective defense programs in a manner satisfactory to the United States as determined by the President.

(2) Military assistance furnished to any nation in the Near East, Africa, and South Asia to permit it to participate in the defense of its area shall be furnished only in accordance with plans and arrangements which shall have been found by the President to require the recipient nation to take an important part therein.

(3) In furnishing military assistance in the Far East and the Pacific and in carrying out the provisions of section 121 of this Act, the President shall give the fullest assistance, as far as possible directly, to the free peoples in that area, including the Associated States of Cambodia, Laos, and Vietnam, in their creation of a joint organization, consistent with the Charter of the United Nations, to establish a program of self-help and mutual cooperation designed to develop their economic and social well-being, to safeguard basic rights and liberties, and to protect their security and independence.

(4) Military assistance may be furnished to the other American Republics only in accordance with defense plans which shall have been found by the President to require the recipient nation to participate in missions important to the defense of the Western Hemisphere.

(c) The Secretary of Defense shall insure that the value (as determined pursuant to section 545) of equipment, materials, and services heretofore furnished under military assistance programs authorized by Acts repealed by this Act or hereafter furnished pursuant to section 103 (a) to nations or organizations in each of the four areas named in this subsection shall not exceed the total of the funds heretofore made available for military assistance in that area pursuant to Acts repealed by this Act plus the amount herein specified for that area:

(1) In the European area (excluding Greece and Turkey), \$617,500,000.

(2) In the Near East (including Greece and Turkey), Africa, and South Asia, \$181,200,000.

(3) In the Far East and the Pacific, \$583,600,000.

(4) In the Western Hemisphere, \$13,000,000.

(d) Whenever the President determines it to be necessary for the purpose of this title, equipment, materials, and services of a value not to exceed 15 per centum of the sum of (1) that portion of the unexpended balances referred to in section 103 (a) which was available on June 30, 1954, to furnish assistance in any of the areas named in subsection (c) of this section, and (2) the amount specified in the applicable paragraph of subsection (c) of this section for additional assistance in such area, may be furnished in any other such area or areas, notwithstanding the limitations set forth in subsection (c) of this section. Funds heretofore obligated or programed or hereafter made available solely for the purpose of section 104 (pertaining to infrastructure) shall not be included in the total fixed for each such

65 Stat. 382; 63
Stat. 720.
22 USC 1664;
1579 note.

area. Funds heretofore appropriated for military assistance in a particular geographic area but transferred from such use under section 513 of the Mutual Security Act of 1951, as amended, or under section 408 (c) of the Mutual Defense Assistance Act, shall be included in the total for the area for the benefit of which such transfer was made, and not in the total for the area from which the transfer was made.

SEC. 106. SALE OF MILITARY EQUIPMENT, MATERIALS, AND SERVICES.—

(a) The President may, in order to carry out the purpose of this chapter, sell or enter into contracts (without requirement for charge to any appropriation or contract authorization) for the procurement for sale of equipment, materials, or services to any nation or international organization: *Provided*, That prior to the transfer of any such equipment, materials, or services to any nation which has not signed an agreement under section 142 of this Act or joined with the United States in a regional collective defense arrangement, the President shall have received commitments satisfactory to him that such equipment, materials, or services are required for and will be used by such nation solely to maintain its internal security, its legitimate self-defense, or to permit it to participate in the defense of the area of which it is a part, or in collective security arrangements and measures consistent with the Charter of the United Nations, and that it will not undertake any act of aggression against any other state.

(b) Whenever equipment or materials are sold from the stocks of or services are rendered by any United States Government agency to any nation or international organization as provided in subsection (a), such nation or international organization shall first make available the fair value, as determined by the President, of such equipment, materials, or services before delivery or, when the President determines it to be in the best interests of the United States, within sixty days thereafter or, as determined by the President, within a reasonable period not to exceed three years. The fair value for the purpose of this subsection shall not be less than the value as defined in subsection (h) of section 545: *Provided*, That with respect to excess equipment or materials the fair value may not be determined to be less than (i) the minimum value specified in that subsection plus the scrap value, or (ii) the market value, if ascertainable, whichever is the greater. Before a contract for new production is entered into, or rehabilitation work is undertaken, such nation or international organization shall (A) provide the United States with a dependable undertaking to pay the full amount of such contract or the cost of such rehabilitation which will assure the United States against any loss on the contract or rehabilitation work, and (B) shall make funds available in such amounts and at such times as may be necessary to meet the payments required by the contract or the rehabilitation work in advance of the time such payments are due, in addition to the estimated amount of any damages and costs that may accrue from the cancellation of such contract or rehabilitation work.

(c) Sections 105, 141, and 142 shall not apply with respect to assistance furnished under this section.

54 Stat. 681.
10 USC 1262a;
34 USC 546e.

SEC. 107. WAIVERS OF LAW.—(a) The President may perform any of the functions authorized under this chapter without regard to (1) the provisions of title 10, United States Code, section 1262 (a), and title 34, United States Code, section 546 (e); and (2) such provisions as he may specify of the joint resolution of November 4, 1939 (54 Stat. 4), as amended.

22 USC 441 note.

(b) Notwithstanding the provisions of Revised Statutes 1222 (10 U. S. C. 576), personnel of the Department of Defense may be assigned or detailed to any civil office for the purpose of enabling the President to furnish assistance under this Act.

SEC. 108. TRANSFER OF MILITARY EQUIPMENT TO JAPAN.—In addition to any program of military assistance for which funds may be appropriated pursuant to this Act, the President is hereby authorized to transfer to the Government of Japan, until June 30, 1955, upon such terms and conditions as he may specify, and upon its request, United States military equipment and supplies programed for Japan to meet its internal security requirements for which Department of Defense appropriations were obligated prior to July 1, 1953. No appropriation shall be requested to replace the military equipment and supplies so transferred, and no funds heretofore or hereafter appropriated for the purpose of this chapter shall be available for reimbursement to any United States Government agency on account of any transfer made pursuant to this section.

CHAPTER 2—SOUTHEAST ASIA AND THE WESTERN PACIFIC, AND DIRECT FORCES SUPPORT

SEC. 121. SOUTHEAST ASIA AND THE WESTERN PACIFIC.—There is hereby authorized to be appropriated to the President for the fiscal year 1955, to be made available on such terms and conditions, including transfer of funds, as he may specify, not to exceed \$700,000,000 for expenses necessary for the support of the forces of nations in the area of Southeast Asia, including the furnishing, as far as possible, of direct assistance to the Associated States of Cambodia, Laos, and Vietnam as well as to the forces of other free nations in the area including those of France located in such Associated States and for other expenditures to accomplish in Southeast Asia and the Western Pacific the policies and purposes declared in this Act. In addition, the unexpended balances of funds allocated from appropriations made pursuant to sections 304 and 540 of the Mutual Security Act of 1951, as amended, for the purpose of support of the forces of the Associated States of Cambodia, Laos, and Vietnam and the forces of France located in the Associated States, are hereby authorized to be continued available for the purpose of this section through June 30, 1955, and to be consolidated with the appropriation authorized by this section. Assistance under this section shall be made available subject to the provisions of sections 141 and 142, except that (1) in the case of assistance to the Associated States of Cambodia, Laos, and Vietnam, and (2) in the case of assistance (not to exceed in the aggregate 10 per centum of the amount appropriated pursuant to this section, excluding unexpended balances of prior appropriations) to other nations, the President may waive specific provisions of section 142 to the extent he may deem necessary in the national interest to carry out the purposes of this Act. The President or such officer as he may designate shall report each instance of such waiver to the Foreign Relations, Appropriations, and Armed Services Committees of the Senate and the Foreign Affairs, Appropriations, and Armed Services Committees of the House of Representatives within thirty days.

67 Stat. 153, 152.
22 USC 1704,
1675i.

Report to Con-
gressional Com-
mittees.

It is the sense of the Congress that no part of the funds appropriated under this section shall be used on behalf of governments which are committed by treaty to maintain Communist rule over any defined territory of Asia.

SEC. 122. PRODUCTION FOR FORCES SUPPORT.—There is hereby authorized to be appropriated to the President for the fiscal year 1955, to be made available on such terms and conditions, including transfer of funds, as he may specify, not to exceed \$35,000,000 for manufacture in the United Kingdom of military aircraft required by United King-

67 Stat. 153.
22 USC 1682.

dom forces for the defense of the North Atlantic area. In addition, unexpended balances of appropriations made pursuant to section 102 of the Mutual Security Act of 1951, as amended, are hereby authorized to be continued available for their original purposes through June 30, 1955, and the unexpended balance of the appropriation made pursuant to the second clause of that section is authorized to be consolidated with the appropriation authorized by this section.

SEC. 123. COMMON USE ITEMS.—There is hereby authorized to be appropriated to the President for the fiscal year 1955 not to exceed \$60,000,000 for the provision of any common-use equipment, materials, commodities, or services which are to be used by military forces of nations receiving assistance under chapter 1 of this title. Programs authorized by this section shall be administered in accordance with the provisions of chapter 1 or chapter 3 of this title.

CHAPTER 3—DEFENSE SUPPORT

SEC. 131. GENERAL AUTHORITY.—(a) The President is hereby authorized to furnish, to nations and organizations eligible to receive military assistance under chapter 1 of this title, or to nations which have joined with the United States in a regional collective defense arrangement, commodities, services, and financial and other assistance designed to sustain and increase military effort. In furnishing such assistance, the President may provide for the procurement and transfer from any source of any commodity or service (including processing, storing, transporting, marine insurance, and repairing) or any technical information and assistance.

(b) There is hereby authorized to be appropriated to the President for the fiscal year 1955 to carry out the provisions of this section, not to exceed—

- (1) \$46,000,000 for Europe (excluding Greece and Turkey);
- (2) \$73,000,000 for the Near East (including Greece and Turkey), Africa, and South Asia; and
- (3) \$80,098,195 for the Far East and the Pacific.

67 Stat. 152.
22 USC 1675j.

In addition, unexpended balances of appropriations heretofore made pursuant to section 541 of the Mutual Security Act of 1951, as amended, are hereby authorized to be continued available for the purpose of this subsection through June 30, 1955, and to be consolidated with the appropriation authorized for the same area by this subsection: *Provided*, That portions of such unexpended balances which have been allocated to assistance for Greece and Turkey shall be consolidated with the appropriation authorized by paragraph (2) of this subsection.

67 Stat. 425.

67 Stat. 341.

SEC. 132. KOREAN PROGRAM.—(a) There is hereby authorized to be appropriated to the President for the fiscal year 1955 not to exceed \$205,000,000 to be expended, upon terms and conditions specified by the President, for defense support, relief and rehabilitation, and other necessary assistance (including payment of ocean freight charges on shipments for relief and rehabilitation, without regard to section 409 of this Act) in those parts of Korea which the President shall have determined to be not under Communist control. In addition, unexpended balances of funds heretofore allocated for the purpose of relief and rehabilitation in Korea pursuant to the paragraph entitled "Relief and Rehabilitation in Korea", chapter VII, Supplemental Appropriation Act, 1954, and unobligated balances of the appropriation for "Civilian Relief in Korea", title III, Department of Defense Appropriation Act, 1954, are hereby authorized to be continued available for the purposes of this subsection through June 30, 1955, and to be consolidated with the appropriation authorized by this subsection.

(b) (1) Notwithstanding the provisions of any other law, the President is authorized, at any time prior to twenty-four months from the date of enactment of this Act, to transfer to the Republic of Korea, by sale or charter and on such terms and conditions as he may specify, not more than eight C1-M-AV1 vessels. Any agency of the United States Government owning or operating such vessels is authorized to make such vessels available for the purpose of this subsection: *Provided*, That if after investigation it is determined by the President that there are privately owned C1-M-AV1 vessels offered and available for sale by American citizens as defined in section 2 of the Shipping Act, 1916, as amended, at prices equal to or less than those provided for in subsection (b) (2) below, such vessels shall be acquired by an owning or operating agency designated by the President for the purpose of this subsection. Funds made available pursuant to subsection (a) of this section shall be available for the purpose of this subsection.

39 Stat. 729.
46 USC 802.

(2) Such transfers shall be made at prices determined under section 3 of the Merchant Ship Sales Act of 1946 (50 U. S. C., App. 1736): *Provided*, That such vessels shall be placed in class in accordance with minimum requirements of the American Bureau of Shipping by the owning or operating agency, and the expense of placing in class shall be reimbursed to such agency.

60 Stat. 41.

(c) There is hereby authorized to be appropriated for the fiscal year 1955 not to exceed \$3,452,615 for making contributions to the United Nations Korean Reconstruction Agency or expenditure through such other agency for relief and rehabilitation in Korea as the President may direct. In addition, the unexpended balance of the appropriation made pursuant to the last sentence of section 303 (a) of the Mutual Security Act of 1951, as amended, is hereby authorized to be continued available for the purpose of this subsection through June 30, 1955, and to be consolidated with the appropriation authorized by this subsection. Sections 141 and 142 of this Act shall not apply with respect to assistance furnished under this subsection.

65 Stat. 376.
22 USC 1703.

(d) To the extent necessary to accomplish the purposes of this section (1) assistance may be furnished under this section without regard to the other provisions of this title and (2) the authority provided in section 307 may be exercised in furnishing assistance under subsection (a) of this section.

CHAPTER 4—GENERAL PROVISIONS RELATING TO MUTUAL DEFENSE ASSISTANCE

SEC. 141. CONDITIONS OF ELIGIBILITY FOR ASSISTANCE.—No assistance shall be furnished under this title to any nation or organization unless the President shall have found that furnishing such assistance will strengthen the security of the United States and promote world peace. No such assistance shall be furnished to a nation unless it shall have agreed to the provisions required by section 142, and such additional provisions as the President deems necessary to effectuate the policies and provisions of this title and to safeguard the interests of the United States.

SEC. 142. AGREEMENTS.—No assistance shall be furnished to any nation under this title unless such nation shall have agreed to—

(1) join in promoting international understanding and good will, and maintaining world peace;

(2) take such action as may be mutually agreed upon to eliminate causes of international tension;

(3) fulfill the military obligations, if any, which it has assumed under multilateral or bilateral agreements or treaties to which the United States is a party;

(4) make, consistent with its political and economic stability, the full contribution permitted by its manpower, resources, facilities, and general economic condition to the development and maintenance of its own defensive strength and the defensive strength of the free world;

(5) take all reasonable measures which may be needed to develop its defense capacities;

(6) take appropriate steps to insure the effective utilization of the assistance furnished under this title in furtherance of the policies and purposes of this title;

(7) impose appropriate restrictions against transfer of title to or possession of any equipment and materials, information, or services furnished under chapter 1 of this title, without the consent of the President;

(8) maintain the security of any article, service, or information furnished under chapter 1 of this title;

(9) furnish equipment and materials, services, or other assistance consistent with the Charter of the United Nations, to the United States or to and among other nations to further the policies and purpose of chapter 1 of this title;

(10) permit continuous observation and review by United States representatives of programs of assistance authorized under this title, including the utilization of any such assistance, or provide the United States with full and complete information with respect to these matters, as the President may require; and

(11) in cases where any commodity is furnished on a grant basis under any provision of this Act other than chapter 1 of title I under arrangements which will result in the accrual of proceeds to the recipient nation from the import or sale thereof, establish a Special Account, and—

Special Account.

(i) deposit in the Special Account, under such terms and conditions as may be agreed upon, currency of the recipient nation in amounts equal to such proceeds;

(ii) make available to the United States such portion of the Special Account as may be determined by the President to be necessary for the requirements of the United States: *Provided*, That such portion shall not be less than 10 per centum in the case of any country to which such minimum requirement has been applicable under any Act repealed by this Act; and

(iii) utilize the remainder of the Special Account for programs agreed to by the United States to carry out the purposes for which new funds authorized by this Act would themselves be available.

Any unencumbered balances of funds which remain in the Account upon termination of assistance to such nation under this Act shall be disposed of for such purposes as may, subject to approval by Act or joint resolution of the Congress, be agreed to between such country and the Government of the United States.

TITLE II—DEVELOPMENT ASSISTANCE

SEC. 201. AUTHORIZATION.—(a) There is hereby authorized to be appropriated to the President for the fiscal year 1955, not to exceed—

(1) \$115,000,000 for assistance designed to promote the economic development of the Near East and Africa, and for other types of assistance designed to help maintain economic and political stability in the area;

(2) \$75,000,000 for assistance designed to promote the economic development of South Asia and to assist in maintaining economic and political stability in the area; and

(3) \$9,000,000 for assistance designed to promote economic development in the other American Republics and non-self-governing territories of the Western Hemisphere.

Such assistance may be furnished on such terms and conditions as the President may specify, except that 30 per centum of the funds appropriated pursuant to this subsection shall be available only for furnishing assistance on terms of repayment in accordance with section 505.

(b) In addition, unexpended balances of appropriations heretofore made pursuant to sections 206 and 302 (b) of the Mutual Security Act of 1951, as amended, and unexpended balances of funds allocated to the emergency economic aid program for Bolivia are hereby authorized to be continued available for the purposes of this section through June 30, 1955, and to be consolidated with the appropriations authorized by paragraphs (1), (2), and (3) of subsection (a) of this section, respectively.

66 Stat. 142; 65
Stat. 376.
22 USC 1696,
1547.

SEC. 202. ADMINISTRATION.—Except as necessary to accomplish the purposes of section 201, programs of assistance authorized by that section shall be administered in accordance with sections 303 and 308 (relating to technical cooperation).

TITLE III—TECHNICAL COOPERATION

SEC. 301. DECLARATION OF PURPOSE.—It is the policy of the United States and the purpose of this title to aid the efforts of the peoples of economically underdeveloped areas to develop their resources and improve their working and living conditions by encouraging the exchange of technical knowledge and skills and the flow of investment capital to countries which provide conditions under which such technical assistance and capital can effectively and constructively contribute to raising standards of living, creating new sources of wealth, increasing productivity and expanding purchasing power.

SEC. 302. GENERAL AUTHORITY AND DEFINITION.—The President is authorized to furnish assistance in accordance with the provisions of this title through bilateral technical cooperation programs. As used in this title, the term “technical cooperation programs” means programs for the international interchange of technical knowledge and skills designed to contribute primarily to the balanced and integrated development of the economic resources and productive capacities of economically underdeveloped areas. Such activities shall be limited to economic, engineering, medical, educational, labor, agricultural, forestry, fishery, mineral, and fiscal surveys, demonstration, training, and similar projects that serve the purpose of promoting the development of economic resources, productive capacities, and trade of economically underdeveloped areas, and training in public administration. The term “technical cooperation programs” does not include such activities authorized by the United States Information and Educational Exchange Act of 1948 (62 Stat. 6) as are not primarily related to economic development, nor activities undertaken now or hereafter pursuant to the International Aviation Facilities Act (62 Stat. 450), nor activities undertaken now or hereafter in the administration of areas occupied by the United States Armed Forces.

22 USC 1431
note.

49 USC 1151
note.

SEC. 303. PREREQUISITES TO ASSISTANCE.—Assistance shall be made available under section 302 of this Act only where the President determines that the nation being assisted—

(a) pays a fair share of the cost of the program;

(b) provides all necessary information concerning such program and gives the program full publicity;

(c) seeks to the maximum extent possible full coordination and integration of technical cooperation programs being carried on in that nation;

(d) endeavors to make effective use of the results of the program; and

(e) cooperates with other nations participating in the program in the mutual exchange of technical knowledge and skills.

SEC. 304. AUTHORIZATION.—There is hereby authorized to be appropriated to the President for the fiscal year 1955 \$88,570,000 for technical cooperation programs in the Near East, Africa, South Asia, and Far East and Pacific, and \$28,500,000 for such programs in Latin America. In addition, unexpended balances of appropriations heretofore made pursuant to section 543 of the Mutual Security Act of 1951, as amended, are authorized to be continued available for the purposes of this section through June 30, 1955, and to be consolidated with the appropriation authorized by this section.

67 Stat. 154.
22 USC 1675j.

SEC. 305. LIMITATION ON USE OF FUNDS.—Funds made available under section 304 may be expended to furnish assistance in the form of equipment or commodities only where necessary for instruction or demonstration purposes.

SEC. 306. MULTILATERAL TECHNICAL COOPERATION.—As one means of accomplishing the purposes of this title, the United States is authorized to participate in multilateral technical cooperation programs carried on by the United Nations, the Organization of American States, their related organizations, and other international organizations, wherever practicable. There is hereby authorized to be appropriated to carry out the purpose of this section, in addition to the amounts authorized by section 304, not to exceed—

(a) \$17,958,000 for making contributions to the United Nations Expanded Program of Technical Assistance;

(b) \$1,500,000 for making contributions to the technical cooperation program of the Organization of American States.

SEC. 307. ADVANCES AND GRANTS; CONTRACTS.—The President may make advances and grants-in-aid of technical cooperation programs to any person, corporation, or other body of persons or to any foreign government agency. The President may make and perform contracts and agreements in respect of technical cooperation programs on behalf of the United States Government with any person, corporation, or other body of persons however designated, whether within or without the United States, or with any foreign government or foreign government agency. A contract or agreement which entails commitments for the expenditure of funds appropriated pursuant to this title may, subject to any future action of the Congress, run for not to exceed three years.

SEC. 308. INTERNATIONAL DEVELOPMENT ADVISORY BOARD.—There shall be an advisory board, referred to in this section as the "Board", which shall advise and consult with the President, or such other officer as he may designate to administer this title, with respect to general or basic policy matters arising in connection with the operation of programs authorized by this title, title II, and section 413 (b). The Board shall consist of not more than thirteen members appointed by the President, one of whom, by and with the advice and consent of the Senate, shall be appointed by him as chairman. The members of the Board shall be broadly representative of voluntary agencies and other groups interested in the programs, including business, labor, agriculture, public health, and education. All members of the Board shall be citizens of the United States; none except the chairman shall

be an officer or an employee of the United States (including any United States Government agency) who as such regularly receives compensation for current services. Members of the Board, other than the chairman if he is an officer of the United States Government, shall receive out of funds made available for the purpose of this title a per diem allowance of \$50 for each day spent away from their homes or regular places of business for the purpose of attendance at meetings of the Board or at conferences held upon the call of the chairman, and in necessary travel, and while so engaged they may be paid actual travel expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses.

TITLE IV—OTHER PROGRAMS

SEC. 401. SPECIAL FUND.—Of the funds made available under this Act, not to exceed \$150,000,000 may be used in any fiscal year, without regard to the requirements of this Act or any other Act for which funds are authorized by this Act, in furtherance of any of the purposes of such Acts, when the President determines that such use is important to the security of the United States. Not to exceed \$100,000,000 of the funds available under this section may be expended for any selected persons who are residing in or escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia or the Communist-dominated or Communist-occupied areas of Germany and Austria, or any Communist-dominated or Communist-occupied areas of Asia and any other countries absorbed by the Soviet Union, either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or for other purposes, when the President determines that such assistance will contribute to the defense of the North Atlantic area or to the security of the United States. Certification by the President that he has expended amounts under this section not in excess of \$50,000,000, and that it is inadvisable to specify the nature of such expenditures, shall be deemed a sufficient voucher for such amounts. Not more than \$20,000,000 of the funds available under this section may be allocated to any one nation in any fiscal year.

SEC. 402. EARMARKING OF FUNDS.—Of the funds authorized to be made available pursuant to this Act not less than \$350,000,000 shall be used to finance the export and sale for foreign currencies of surplus agricultural commodities or products thereof produced in the United States, in addition to surplus agricultural commodities or products transferred pursuant to the Agricultural Trade Development and Assistance Act of 1954, and in accordance with the standards as to pricing and the use of private trade channels expressed in section 101 of said Act. Foreign currency proceeds accruing from such sales shall be used for the purposes of this Act and with particular emphasis on the purposes of section 104 of the Agricultural Trade Development and Assistance Act of 1954 which are in harmony with the purposes of this Act. Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, the President may use or enter into agreements with friendly nations or organizations of nations to use for such purposes the foreign currencies which accrue to the United States under this section.

Ante, p. 454.

66 Stat. 662,
31 USC 724.

SEC. 403. SPECIAL ASSISTANCE IN JOINT CONTROL AREAS.—The President is hereby authorized to furnish commodities, services, and financial and other assistance to nations and areas for which the United States has responsibility as a result of participation in joint control arrangements where found by the President to be in the interest of the security of the United States. There is hereby authorized to be

appropriated to the President for the fiscal year 1955 not to exceed \$25,000,000 to carry out this section.

64 Stat. 881.

SEC. 404. RESPONSIBILITIES IN GERMANY.—Upon approval by the Secretary of State, a part of the German currency now or hereafter deposited under the bilateral agreement of December 15, 1949, between the United States and the Federal Republic of Germany (or any supplementary or succeeding agreement) shall be deposited in the GARIOA (Government and Relief in Occupied Areas) Special Account under the terms of article V of that agreement, and currency which has been or may be deposited in said account, and any portion of funds made available for assistance to the Federal Republic of Germany pursuant to section 403 of this Act, may be used for expenses necessary to meet the responsibilities or objectives of the United States in Germany, including responsibilities arising under the supreme authority assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany. Expenditures may be made under authority of this section in amounts and under conditions determined by the Secretary of State after consultation with the official primarily responsible for administration of programs under chapter 3 of title I, and without regard to any provision of law which the President determines must be disregarded in order to meet such responsibilities or objectives.

66 Stat. 147.
22 USC 1675c.

SEC. 405. MOVEMENT OF MIGRANTS AND REFUGEES.—(a) The President is hereby authorized to continue membership for the United States on the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953. For the purpose of assisting in the movement of migrants, there is hereby authorized to be appropriated not to exceed \$11,189,190 for contributions during the calendar year 1955 to the Intergovernmental Committee for European Migration, and thereafter such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incident to United States participation in the Committee. In addition, the unexpended balance of the appropriation made pursuant to section 534 of the Mutual Security Act of 1951, as amended, is hereby authorized to be continued available for the purpose of this subsection through June 30, 1955, and to be consolidated with the appropriation authorized in this subsection.

Limitation.

(b) Of the funds made available under this Act, not more than \$800,000 may be used by the President to facilitate the migration to the other American Republics of persons resident in that portion of the Ryukyu Island Archipelago under United States control.

(c) There is hereby authorized to be appropriated for the fiscal year 1955 not to exceed \$500,000 for contributions to the United Nations Refugee Emergency Fund.

SEC. 406. CHILDREN'S WELFARE.—There is hereby authorized to be appropriated not to exceed \$13,500,000 for contributions during the fiscal year 1955 to the United Nations Children's Fund.

67 Stat. 479.

SEC. 407. PALESTINE REFUGEES IN THE NEAR EAST.—There is hereby authorized to be appropriated to the President for the fiscal year 1955, not to exceed \$30,000,000, to be used to make contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East. In addition, the unexpended balance of the appropriation made for the Palestine refugee program in the Mutual Security Appropriation Act, 1954, is hereby authorized to be continued available for the purpose of this section through June 30, 1955. Whenever the President shall determine that it would more effectively contribute to the relief, rehabilitation, and resettlement of Palestine refugees in

the Near East, he may expend any part of the funds made available pursuant to this section through any other agency he may designate.

SEC. 408. NORTH ATLANTIC TREATY ORGANIZATION.—(a) In order to provide for United States participation in the North Atlantic Treaty Organization, there is hereby authorized to be appropriated for the fiscal year 1955 not to exceed \$3,200,000 for payment by the United States of its share of the expenses of the Organization, and thereafter such amounts as may be necessary from time to time for the payment by the United States of its share of the expenses of the Organization and all necessary salaries and expenses of the United States permanent representative to the Organization, of such persons as may be appointed to represent the United States in the subsidiary bodies of the Organization or in any multilateral organization which participates in achieving the aims of the North Atlantic Treaty, and of their appropriate staffs, and the expenses of participation in meetings of such organizations, including salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801), and allowances and expenses as provided in section 6 of the Act of July 30, 1946 (22 U. S. C. 287r).

60 Stat. 999.

60 Stat. 714.

NATO.
Permanent representative.

(b) The United States permanent representative to the North Atlantic Treaty Organization shall be appointed by the President by and with the advice and consent of the Senate and shall hold office at the pleasure of the President. Such representative shall have the rank and status of ambassador extraordinary and plenipotentiary and shall be a chief of mission, class 1, within the meaning of the Foreign Service Act of 1946, as amended (22 U. S. C. 801).

60 Stat. 999.

(c) Persons detailed to the international staff of the North Atlantic Treaty Organization in accordance with section 529 of this Act who are appointed as Foreign Service Reserve officers may serve for periods of more than four years notwithstanding the limitation in section 522 of the Foreign Service Act of 1946, as amended (22 U. S. C. 922).

60 Stat. 1009.

SEC. 409. OCEAN FREIGHT CHARGES.—(a) In order to further the efficient use of United States voluntary contributions for relief and rehabilitation in nations and areas eligible for assistance under this Act, the President may pay ocean freight charges from United States ports to designated ports of entry of such nations and areas on shipments by United States voluntary nonprofit relief agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid and shipments by the American Red Cross.

(b) Where practicable the President shall make arrangements with the receiving nation for free entry of such shipments and for the making available by that nation of local currencies for the purpose of defraying the transportation cost of such shipments from the port of entry of the receiving nation to the designated shipping point of the consignee.

(c) There is hereby authorized to be appropriated to the President for the fiscal year 1955 not to exceed \$4,400,000 to carry out the purposes of this section; and, in addition, unexpended balances of appropriations heretofore made pursuant to section 535 of the Mutual Security Act of 1951, as amended, are authorized to be continued available for the purposes of this section through June 30, 1955, and to be consolidated with the appropriation authorized in this section.

66 Stat. 147.
22 USC 1675d.

(d) In addition, any funds made available under this Act may be used, in amounts determined by the President, to pay ocean freight charges on shipments of surplus agricultural commodities, including commodities made available pursuant to any Act for the disposal abroad of United States agricultural surpluses.

65 Stat. 644.
65 Stat. 647.
22 USC 1613b.

SEC. 410. CONTROL ACT EXPENSES.—There is hereby authorized to be appropriated to the President for the fiscal year 1955 not to exceed \$1,300,000 for carrying out the objectives of the Mutual Defense Assistance Control Act of 1951 (22 U. S. C. 1611). In addition, in accordance with section 303 of that Act, funds made available for carrying out chapter 1 of title I of this Act shall be available for carrying out the purpose of this section in such amounts as the President may direct.

SEC. 411. ADMINISTRATIVE EXPENSES.—(a) Whenever possible, the expenses of administration of this Act shall be paid for in the currency of the nation where the expense is incurred.

(b) There is hereby authorized to be appropriated to the President for the fiscal year 1955 not to exceed \$34,700,000 for all necessary administrative expenses incident to carrying out the provisions of this Act other than chapter 1 of title I, including expenses for compensation, allowances and travel of personnel, including Foreign Service personnel whose services are utilized primarily for the purposes of this Act, and, without regard to the provisions of any other law, for printing and binding, and for expenditures outside the continental limits of the United States for the procurement of supplies and services and for other administrative purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this Act.

64 Stat. 202; 65
Stat. 376.

SEC. 412. CHINESE AND KOREAN STUDENTS.—Funds heretofore allocated to the Secretary of State pursuant to the last proviso of section 202 of the China Area Aid Act of 1950 (22 U. S. C. 1547) shall continue to be available until expended, under such regulations as the Secretary of State may prescribe, using private agencies to the maximum extent practicable, for necessary expenses of tuition, subsistence, transportation, and emergency medical care for selected citizens of China and of Korea for studying or teaching in accredited colleges, universities, or other educational institutions in the United States approved by the Secretary of State for the purpose, or for research and related academic and technical activities in the United States, and such selected citizens of China who have been admitted for the purpose of study in the United States shall be granted permission to accept employment upon application filed with the Commissioner of Immigration and Naturalization pursuant to regulations promulgated by the Attorney General.

SEC. 413. ENCOURAGEMENT OF FREE ENTERPRISE AND PRIVATE PARTICIPATION.—(a) The Congress recognizes the vital role of free enterprise in achieving rising levels of production and standards of living essential to the economic progress and defensive strength of the free world. Accordingly, it is declared to be the policy of the United States to encourage the efforts of other free nations to increase the flow of international trade, to foster private initiative and competition, to discourage monopolistic practices, to improve the technical efficiency of their industry, agriculture and commerce, and to strengthen free labor unions; and to encourage the contribution of United States enterprise toward the economic strength of other free nations, through private trade and investment abroad, private participation in the programs carried out under this Act (including the use of private trade channels to the maximum extent practicable in carrying out such programs), and exchange of ideas and technical information on the matters covered by this section.

(b) In order to encourage and facilitate participation by private enterprise to the maximum extent practicable in achieving any of the purposes of this Act, the President—

(1) shall make arrangements to find and draw the attention of private enterprise to opportunities for investment and development in other free nations;

(2) shall accelerate a program of negotiating treaties for commerce and trade, including tax treaties, which shall include provisions to encourage and facilitate the flow of private investment to nations participating in programs under this Act;

(3) shall, consistent with the security and best interests of the United States, seek compliance by other countries or a dependent area of any country with all treaties for commerce and trade and taxes and shall take all reasonable measures under this Act or other authority to secure compliance therewith and to assist United States citizens in obtaining just compensation for losses sustained by them or payments exacted from them as a result of measures taken or imposed by any country or dependent area thereof in violation of any such treaty; and

(4) may make, until June 30, 1957, under rules and regulations prescribed by him, guaranties to any person of investments in connection with projects, including expansion, modernization, or development of existing enterprises, in any nation with which the United States has agreed to institute the guaranty program: *Provided, That—*

(A) such projects shall be approved by the President as furthering any of the purposes of this Act, and by the nation concerned;

(B) the guaranty to any person shall be limited to assuring any or all of the following:

(i) the transfer into United States dollars of other currencies, or credits in such currencies, received by such person as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

(ii) the compensation in United States dollars for loss of all or any part of the investment in the approved project which shall be found by the President to have been lost to such person by reason of expropriation or confiscation by action of the government of a foreign nation;

(C) when any payment is made to any person pursuant to a guaranty as hereinbefore described, the currency, credits, assets, or investment on account of which such payment is made shall become the property of the United States Government, and the United States Government shall be subrogated to any right, title, claim or cause of action existing in connection therewith;

(D) the guaranty to any person shall not exceed the amount of dollars invested in the project by such person with the approval of the President plus actual earnings or profits on said project to the extent provided by such guaranty, and shall be limited to a term not exceeding twenty years from the date of issuance;

(E) a fee shall be charged in an amount not exceeding 1 per centum per annum of the amount of each guaranty under clause (i) of subparagraph (B), and not exceeding 4 per centum per annum of the amount of each guaranty under clause (ii) of such subparagraph, and all fees collected hereunder shall be available for expenditure in discharge of liabilities under guaranties made under this section until such time as all such liabilities have been discharged or have

expired, or until all such fees have been expended in accordance with the provisions of this section;

(F) the President is authorized to issue guaranties up to a total of \$200,000,000: *Provided*, That any funds allocated to a guaranty and remaining after all liability of the United States assumed in connection therewith has been released, discharged, or otherwise terminated, shall be available for allocation to other guaranties, the foregoing limitation notwithstanding. Any payments made to discharge liabilities under guaranties issued under this subsection shall be paid out of fees collected under subparagraph (E) as long as such fees are available, and thereafter shall be paid out of funds realized from the sale of notes which have been issued under authority of paragraph 111 (c) (2) of the Economic Cooperation Act of 1948, as amended, when necessary to discharge liabilities under any such guaranty;

(G) the guaranty program authorized by this paragraph shall be used to the maximum practicable extent and shall be administered under broad criteria so as to facilitate and increase the participation of private enterprise in achieving any of the purposes of this Act;

(H) as used in this paragraph—

(i) the term "person" means a citizen of the United States or any corporation, partnership, or other association created under the law of the United States or of any State or Territory and substantially beneficially owned by citizens of the United States, and

(ii) the term "investment" includes any contribution of capital goods, materials, equipment, services, patents, processes, or techniques by any person in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of capital goods items and related services pursuant to a contract providing for payment in whole or in part after the end of the fiscal year in which the guaranty of such investment is made.

SEC. 414. MUNITIONS CONTROL.—(a) The President is authorized to control, in furtherance of world peace and the security and foreign policy of the United States, the export and import of arms, ammunition, and implements of war, including technical data relating thereto, other than by a United States Government agency. The President is authorized to designate those articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto, for the purposes of this section.

(b) As prescribed in regulations issued under this section, every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war, including technical data relating thereto, designated by the President under subsection (a) shall register with the United States Government agency charged with the administration of this section, and, in addition, shall pay a registration fee which shall be prescribed by such regulations.

(c) Any person who willfully violates any provision of this section or any rule or regulation issued under this section, or who willfully, in a registration or license application, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not mis-

62 Stat. 146,
22 USC 1509 (c)
(2).

leading, shall upon conviction be fined not more than \$25,000 or imprisoned not more than two years, or both.

SEC. 415. ASSISTANCE TO INTERNATIONAL ORGANIZATION.—Whenever it will assist in achieving purposes declared in this Act, the President is authorized to use funds available under sections 131 and 403 in order to furnish assistance, including by transfer of funds, directly to the North Atlantic Treaty Organization, for a strategic stockpile of food-stuffs and other supplies, or for other purposes.

SEC. 416. FACILITATION AND ENCOURAGEMENT OF TRAVEL.—The President, through such officer or commission as he may designate, shall facilitate and encourage, without cost to the United States except for administrative expenses, the promotion and development of travel by citizens of the United States to and within countries receiving assistance under this Act and travel by citizens of such countries to the United States.

SEC. 417. IRISH COUNTERPART.—Pursuant to section 115 (b) (6) of the Economic Cooperation Act of 1948, as amended, the disposition within Ireland of the unencumbered balance, in the amount of approximately 6,000,000 Irish pounds, of the special account of Irish funds established under article IV of the Economic Cooperation Agreement between the United States of America and Ireland, dated June 28, 1948, for the purposes of—

62 Stat. 151.
22 USC 1513(b)
(6).

62 Stat. 2910.

(1) scholarship exchange between the United States and Ireland;

(2) other programs and projects (including the establishment of an Agricultural Institute) to improve and develop the agricultural production and marketing potential of Ireland and to increase the production and efficiency of Irish industry; and

(3) development programs and projects in aid of the foregoing objectives,

is hereby approved, as provided in the agreement between the Government of the United States of America and the Government of Ireland, dated June 17, 1954.

TITLE V—MISCELLANEOUS PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

SEC. 501. TRANSFERABILITY OF FUNDS.—Whenever the President determines it to be necessary for the purposes of this Act, not to exceed 10 per centum of the funds made available pursuant to any provision of this Act may be transferred to and consolidated with the funds made available pursuant to any other provision of this Act, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount made available for such provision pursuant to this Act. Funds transferred under this section to furnish military assistance under chapter 1 of title I may be expended without regard to the area limits imposed by section 105 (c). Of any funds transferred under this section for the purpose of furnishing assistance under section 201, 30 per centum shall be available only for furnishing assistance on terms of repayment in accordance with section 505. Not less than 50 per centum of any assistance furnished under paragraph (1), (2), or (3) of section 201 (a) with funds transferred under this section shall be furnished on terms of repayment in accordance with section 505.

SEC. 502. USE OF FOREIGN CURRENCY.—(a) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other pro-

66 Stat. 662.
31 USC 724.

67 Stat. 159,
22 USC 1675p.

vision of law, proceeds of sales made under section 550 of the Mutual Security Act of 1951, as amended, shall remain available and shall be used for any of the purposes of this Act, giving particular regard to the following purposes—

- (1) for providing military assistance to nations or mutual defense organizations eligible to receive assistance under this Act;
- (2) for purchase of goods or services in friendly nations;
- (3) for loans, under applicable provisions of this Act, to increase production of goods or services, including strategic materials, needed in any nation with which an agreement was negotiated, or in other friendly nations, with the authority to use currencies received in repayment for the purposes stated in this section or for deposit to the general account of the Treasury of the United States;
- (4) for developing new markets on a mutually beneficial basis;
- (5) for grants-in-aid to increase production for domestic needs in friendly countries; and
- (6) for purchasing materials for United States stockpiles.

66 Stat. 662.
31 USC 724.

60 Stat. 832.
2 USC 190d.
Report to Con-
gressional Com-
mittee.

(b) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, local currencies owned by the United States shall be made available to appropriate committees of the Congress engaged in carrying out their duties under section 136 of the Legislative Reorganization Act of 1946, as amended, for their local currency expenses: *Provided*, That any such committee of the Congress which uses local currency shall make a full report thereof to the Committee on House Administration of the House of Representatives (if the committee using such currency is a committee of the House of Representatives) or to the Committee on Rules and Administration of the Senate (if the committee using such currency is a committee of the Senate), showing the total amount of such currency so used in each country and the purposes for which it was expended.

SEC. 503. TERMINATION OF ASSISTANCE.—(a) If the President determines that the furnishing of assistance to any nation under any provision of this Act—

- (1) is no longer consistent with the national interest or security or the foreign policy of the United States; or
- (2) would no longer contribute effectively to the purposes for which such assistance is furnished; or
- (3) is no longer consistent with the obligations and responsibilities of the United States under the Charter of the United Nations,

he shall terminate all or part of any assistance furnished pursuant to this Act. If the President determines that any nation which is receiving assistance under chapter 1 of title I of this Act is not making its full contribution to its own defense or to the defense of the area of which it is a part, he shall terminate all or part of such assistance. Assistance to any nation under any provision of this Act may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this Act shall remain available for twelve months from the date of termination under this subsection for the necessary expenses of liquidating assistance programs.

(b) (1) After June 30, 1955, none of the authority conferred by this Act may be exercised for the purpose of carrying out any function authorized by title II; except that during the twelve months following such date (i) funds which have been obligated on or before that date shall remain available for expenditure, (ii) equipment, materials, commodities, and services with respect to which funds have been obligated on or before such date for procurement for, shipment

to, or delivery in a recipient country may be transferred to such country, and (iii) funds appropriated under authority of this Act may be obligated (A) for the necessary expenses of procurement, shipment, delivery, and other activities essential to such transfer and (B) for the necessary expenses of liquidating operations incident to such functions.

(2) At such time as the President shall find appropriate, the powers, duties, and authority conferred by this Act with respect to such function may be transferred for the purpose of liquidation to such other United States Government agencies as the President shall specify, and the relevant funds, records, property, and personnel may be transferred to the agencies to which the related functions are transferred.

(c) Unless sooner abolished under section 525, the Foreign Operations Administration shall cease to exist at the close of June 30, 1955.

Foreign Operations Administration.

SEC. 504. SMALL BUSINESS.—(a) Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds authorized under titles II, III, and IV, and chapters 2 and 3 of title I, of this Act—

(1) by causing to be made available to suppliers in the United States and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds,

(2) by causing to be made available to prospective purchasers in the nations receiving assistance under this Act information as to commodities and services produced by small independent enterprises in the United States, and

(3) by providing for additional services to give small business better opportunities to participate in the furnishing of commodities and services financed with such funds.

(b) There shall be an Office of Small Business, headed by a Special Assistant for Small Business, in such United States Government agency as the President may direct, to assist in carrying out the provisions of subsection (a) of this section.

Office of Small Business.

(c) The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to chapter 1 of title I, such information to be furnished as far in advance as possible.

SEC. 505. LOAN ASSISTANCE.—(a) Assistance under this Act may be furnished on a grant basis or on such terms, including cash, credit, or other terms of repayment (including repayment in foreign currencies or by transfer to the United States of materials required for stockpiling or other purposes) as may be determined to be best suited to the achievement of the purposes of this Act.

(b) Of the funds made available pursuant to this Act and foreign currencies accruing to the United States under section 402, the equivalent of not less than \$200,000,000 shall be available only for the furnishing of assistance on terms of repayment. Funds for the purpose of furnishing assistance on terms of repayment shall be allocated to the Export-Import Bank of Washington, which shall, notwithstanding the provisions of the Export-Import Bank Act of 1945 (59 Stat. 526), as amended, make and administer the credit on such terms. Credits made by the Export-Import Bank of Washington with funds so allocated to it shall not be considered in determining whether the Bank has outstanding at any one time loans and guaranties to the extent of the limitation imposed by section 7 of the Export-Import Bank Act of 1945 (59 Stat. 529), as amended. Amounts

12 USC 635 note.

Ante, p. 678.

62 Stat. 146.
22 USC 1509 (c)
(2).

received in repayment of principal and interest on any loan made under this section shall be held by the Treasury to be used for such purposes, including further loans, as may be authorized from time to time by Congress. Amounts received in repayment of principal and interest on any credits made under paragraph 111 (c) (2) of the Economic Cooperation Act of 1948, as amended, shall be deposited into miscellaneous receipts of the Treasury, except that, to the extent required for such purpose, amounts received in repayment of principal and interest on any credits made out of funds realized from the sale of notes heretofore authorized to be issued for the purpose of financing assistance on a credit basis under paragraph 111 (c) (2) of the Economic Cooperation Act of 1948, as amended, shall be deposited into the Treasury for the purpose of the retirement of such notes.

SEC. 506. PATENTS AND TECHNICAL INFORMATION.—(a) As used in this section—

(1) the term “invention” means an invention or discovery covered by a patent issued by the United States; and

(2) the term “information” means information originated by or peculiarly within the knowledge of the owner thereof and those in privity with him, which is not available to the public and is subject to protection as property under recognized legal principles.

(b) Whenever, in connection with the furnishing of any assistance in furtherance of the purposes of this Act—

(1) use within the United States, without authorization by the owner, shall be made of an invention; or

(2) damage to the owner shall result from the disclosure of information by reason of acts of the United States or its officers or employees,

the exclusive remedy of the owner of such invention or information shall be by suit against the United States in the Court of Claims or in the District Court of the United States for the district in which such owner is a resident for reasonable and entire compensation for unauthorized use or disclosure. In any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by any defendant in a like action.

(c) Before such suit against the United States has been instituted, the head of the appropriate United States Government agency, which has furnished any assistance in furtherance of the purposes of this Act, is authorized and empowered to enter into an agreement with the claimant, in full settlement and compromise of any claim against the United States hereunder.

66 Stat. 757.

(d) The provisions of the last sentence of section 1498 of title 28 of the United States Code shall apply to inventions and information covered by this section.

(e) Except as otherwise provided by law, no recovery shall be had for any infringement of a patent committed more than six years prior to the filing of the complaint or counterclaim for infringement in the action, except that the period between the date of receipt by the Government of a written claim under subsection (c) above for compensation for infringement of a patent and the date of mailing by the Government of a notice to the claimant that his claim has been denied shall not be counted as part of the six years, unless suit is brought before the last-mentioned date.

SEC. 507. AVAILABILITY OF FUNDS.—Except as otherwise provided in sections 104 (pertaining to infrastructure), 405 (pertaining to movement of migrants), 408 (a) (pertaining to North Atlantic Treaty Organization), and 412 (pertaining to Chinese and Korean students),

funds shall be available to carry out the provisions of this Act (other than sections 414 and 416) as authorized and appropriated to the President each fiscal year.

SEC. 508. LIMITATION ON FUNDS FOR PROPAGANDA.—None of the funds herein authorized to be appropriated nor any counterpart funds shall be used to pay for personal services or printing, or for other expenses of the dissemination within the United States of general propaganda in support of the mutual security program, or to pay the travel or other expenses outside the United States of any citizen or group of citizens of the United States for the purpose of publicizing such program within the United States.

SEC. 509. SHIPPING ON UNITED STATES VESSELS.—Such steps as may be necessary shall be taken to assure, as far as practicable, that at least 50 per centum of the gross tonnage of commodities, materials and equipment procured out of funds made available under sections 103, 123, 131, 132 (a), 201, 304, and 403 of this Act and transported to or from the United States on ocean vessels, computed separately for dry bulk carriers, dry cargo liner and tanker services and computed separately for section 103, and for sections 123, 131, 132 (a), 201, 304, and 403 (taken together) is so transported on United States flag commercial vessels to the extent such vessels are available at market rates for United States flag commercial vessels provided such rates are fair and reasonable; and, in the administration of this provision, steps shall be taken, insofar as practicable and consistent with the purposes of this Act, to secure a fair and reasonable participation by United States flag commercial vessels in cargoes by geographic area.

SEC. 510. PURCHASE OF COMMODITIES.—No funds made available under title II or chapter 3 of title I of this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of the purchase adjusted for differences in the cost of transportation to destination, quality, and terms of payment. A bulk purchase within the meaning of this section does not include the purchase of raw cotton in bales. Funds made available under title II or chapter 3 of title I of this Act may be used for the procurement of commodities outside the United States unless the President determines that such procurement will result in adverse effects upon the economy of the United States, with special reference to any areas of labor surplus, or upon the industrial mobilization base, which outweigh the economic advantages to the United States of less costly procurement abroad. In providing for the procurement of any surplus agricultural commodity for transfer by grant under this Act to any recipient nation in accordance with the requirements of such nation, the President shall, insofar as practicable and where in furtherance of the purposes of this Act, authorize the procurement of such surplus agricultural commodity only within the United States except to the extent that any such surplus agricultural commodity is not available in the United States in sufficient quantities to supply the requirements of the nations receiving assistance under this Act.

SEC. 511. RETENTION AND RETURN OF EQUIPMENT.—(a) No equipment or materials may be transferred under title I out of military stocks if the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such transfer would be detrimental to the national security of the United States, or that such equipment or materials are needed by the reserve components of the Armed Forces to meet their training requirements.

(b) Any equipment, materials, or commodities procured to carry out this Act shall be retained by, or, upon reimbursement, transferred to and for the use of, such United States Government agency as the

President may determine in lieu of being disposed of to a foreign nation or international organization whenever in the judgment of the President the best interests of the United States will be served thereby, or whenever such retention is called for by concurrent resolution. Any commodities so retained may be disposed of without regard to provisions of law relating to the disposal of Government-owned property, when necessary to prevent spoilage or wastage of such commodities or to conserve the usefulness thereof. Funds realized from any such disposal or transfer shall revert to the respective appropriation or appropriations out of which funds were expended for the procurement of such equipment, materials, or commodities or to appropriations currently available for such procurement.

(c) The President shall make appropriate arrangements with each nation receiving equipment or materials under chapter 1 of title I (other than equipment or materials sold under the provisions of section 106) for the return to the United States (1) for salvage or scrap, or (2) for such other disposition as the President shall deem to be in the interest of mutual security, of any such equipment or materials which are no longer required for the purposes for which originally made available.

SEC. 512. PENAL PROVISION.—Whoever offers or gives to anyone who is or in the preceding two years has been an employee or officer of the United States any commission, payment, or gift, in connection with the procurement of equipment, materials, commodities, or services under this Act in connection with which procurement said officer, employee, former officer or former employee is or was employed or performed duty or took any action during such employment, and whoever, being or having been an employee or officer of the United States in the preceding two years, solicits, accepts, or offers to accept any commission, payment, or gift in connection with the procurement of equipment, materials, commodities, or services under this Act in connection with which procurement said officer, employee, former officer or former employee is or was employed or performed duty or took any action during such employment, shall upon conviction thereof be subject to a fine of not to exceed \$10,000 or imprisonment for not to exceed three years, or both: *Provided*, That this section shall not apply to persons appointed pursuant to sections 308 or 530 (a) of this Act.

SEC. 513. NOTICE TO LEGISLATIVE COMMITTEES.—When any transfer is made under section 105 (d) or section 501, or any other action is taken under this Act which will result in furnishing assistance of a kind, for a purpose, or to an area, substantially different from that included in the presentation to the Congress during its consideration of this Act, or which will result in expenditures greater by 50 per centum or more than the proposed expenditures included in such presentation for the program concerned, the President or such officer as he may designate shall promptly notify the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives and, when military assistance is involved, the Committees on Armed Services of the Senate and House of Representatives, stating the justification for such change. Notice shall also be given to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of any determination under the first sentence of section 401 (except with respect to unvouchered funds), and copies of any certification as to loyalty under section 531 shall be filed with such committees.

SEC. 514. INTERNATIONAL EDUCATIONAL EXCHANGE ACTIVITIES.—Foreign currencies or credits owed to or owned by the United States, where arising from this Act or otherwise, shall, upon a request from

the Secretary of State certifying that such funds are required for the purpose of international educational exchange activities under programs authorized by section 32 (b) (2) of the Surplus Property Act of 1944, as amended, be reserved by the Secretary of the Treasury for sale to the Department of State for such activities on the basis of the dollar value at the time of the reservation.

60 Stat. 754.
50 U S C app.
1641.

CHAPTER 2. ORGANIZATION AND ADMINISTRATION

SEC. 521. DELEGATION OF AUTHORITY BY THE PRESIDENT.—(a) Except as provided in subsection (b), the President may exercise any power or authority conferred on him by this Act through such agency or officer of the United States as he shall direct, and the head of such agency or such officer may from time to time promulgate such rules and regulations as may be necessary and proper to carry out functions under this Act and may delegate authority to perform any of such functions to his subordinates acting under his direction.

(b) After June 30, 1955, the President shall exercise the powers conferred upon him under title III of this Act through the Secretary of State.

SEC. 522. ALLOCATION AND REIMBURSEMENT AMONG AGENCIES.—

(a) The President may allocate or transfer to any United States Government agency any part of any funds available for carrying out the purposes of this Act, including any advance to the United States by any nation or international organization for the procurement of equipment or materials or services. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this Act or under authority governing the activities of the Government agencies to which such funds are allocated or transferred. Funds allocated to the Department of Defense shall be governed as to reimbursement by the procedures of subsection (c) of this section.

(b) Any officer of the United States performing functions under this Act may utilize the services and facilities of, or procure commodities from, any United States Government agency as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(c) Reimbursement shall be made to any United States Government agency, from funds available to carry out chapter 1 of title I of this Act, for any assistance furnished under that chapter from, by, or through such agency. Such reimbursement shall be in an amount equal to the value (as defined in section 545) of the equipment and materials, services (other than salaries of members of the Armed Forces of the United States), or other assistance furnished, plus expenses arising from or incident to operations under that chapter. The amount of any such reimbursement shall be credited as reimbursable receipts to current applicable appropriations, funds, or accounts of such agency and shall be available for, and under the authority applicable to, the purposes for which such appropriations, funds, or accounts are authorized to be used, including the procurement of equipment and materials or services, required by such agency, in the same general category as those furnished by it or authorized to be procured by it and expenses arising from and incident to such procurement.

(d) In the case of any commodity, service, or facility procured from any United States Government agency under any provision of this Act other than chapter 1 of title I, reimbursement or payment shall be made to such agency from funds available to carry out such provision.

Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposal agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning agency determines that such replacement is not necessary, any funds received in payment therefor shall be covered into the Treasury as miscellaneous receipts.

(e) In furnishing assistance under this Act and in making surplus agricultural commodities available under section 402 accounts may be established on the books of any United States Government agency or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States, against which (i) letters of commitment may be issued which shall constitute obligations of the United States, and moneys due or to become due under such letters of commitment shall be assignable under the Assignment of Claims Act of 1940, as amended, and (ii) withdrawals may be made by recipient nations or agencies, organizations or persons upon presentation of contracts, invoices, or other appropriate documentation. Expenditure of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditure of Government funds: *Provided*, That such expenditures for commodities or services procured outside the continental limits of the United States may be accounted for exclusively on such certification as may be prescribed in regulations approved by the Comptroller General of the United States.

SEC. 523. COORDINATION WITH FOREIGN POLICY.—(a) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission.

SEC. 524. THE SECRETARY OF DEFENSE.—(a) In the case of aid under chapter 1 of title I of this Act, the Secretary of Defense shall have primary responsibility for—

- (1) the determination of military end-item requirements;
- (2) the procurement of military equipment in a manner which permits its integration with service programs;
- (3) the supervision of end-items used by the recipient countries;
- (4) the supervision of the training of foreign military personnel;
- (5) the movement and delivery of military end-items; and
- (6) within the Department of Defense, the performance of any other functions with respect to the furnishing of military assistance.

(b) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall be determined by the Secretary of Defense. The determination of the value of the program for any country under chapter 1 of title I shall be made by the President.

SEC. 525. FOREIGN OPERATIONS ADMINISTRATION.—Except as modified pursuant to this section or section 521, the Director of the Foreign Operations Administration (referred to in this chapter as the "Director") shall continue to perform the functions vested in him on the effective date of this Act, except insofar as such functions relate to

continuous supervision and general direction of programs of military assistance. The President may transfer to any agency or officer of the United States, and may modify or abolish, any function, office, or entity of the Foreign Operations Administration or any officer or employee thereof, and may transfer such personnel, property, records, and funds as may be necessary incident thereto.

SEC. 526. MISSIONS AND STAFFS ABROAD.—The President may maintain special missions or staffs abroad in such nations and for such periods of time as may be necessary to carry out this Act. Each such special mission or staff shall be under the direction of a chief. The chief and his deputy shall be appointed by the President and may, notwithstanding any other law, be removed by the President at his discretion. The chief shall be entitled to receive (1) in cases approved by the President, the same compensation and allowances as a chief of mission, class 3, or a chief of mission, class 4, within the meaning of the Foreign Service Act of 1946 (22 U. S. C. 801), or (2) compensation and allowances in accordance with section 527 (c) of this Act, as the President shall determine to be appropriate.

60 Stat. 999.

SEC. 527. EMPLOYMENT OF PERSONNEL.—(a) Any United States Government agency performing functions under this Act is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this Act.

(b) Of the personnel employed in the United States on programs authorized by this Act, not to exceed sixty may be compensated without regard to the provisions of the Classification Act of 1949, as amended, of whom not to exceed thirty-five may be compensated at rates higher than those provided for grade 15 of the general schedule established by the Classification Act of 1949, as amended, and of these, not to exceed fifteen may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of \$15,000 per annum. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

63 Stat. 954.
5 USC 1071 note.

(c) For the purpose of performing functions under this Act outside the continental limits of the United States, the Director may—

5 USC 1105.

(1) employ or assign persons, or authorize the employment or assignment of officers or employees of other United States Government agencies, who shall receive compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946, as amended (22 U. S. C. 801), together with allowances and benefits established thereunder including, in all cases, post differentials prescribed under section 443 of the Foreign Service Act; and persons so employed or assigned shall be entitled to the same benefits as are provided by section 528 of the Foreign Service Act for persons appointed to the Foreign Service Reserve and, except for policy-making officials, the provisions of section 1005 of the Foreign Service Act shall apply in the case of such persons; and

60 Stat. 999.

22 USC 888.

22 USC 928.

22 USC 807.

(2) utilize such authority, including authority to appoint and assign personnel for the duration of operations under this Act, contained in the Foreign Service Act of 1946, as amended (22 U. S. C. 801), as the President deems necessary to carry out functions under this Act. Such provisions of the Foreign Service Act as the President deems appropriate shall apply to personnel appointed or assigned under this paragraph, including, in all cases, the provisions of sections 443 and 528 of that Act.

(d) For the purpose of performing functions under this Act outside the continental limits of the United States, the Secretary of State may,

60 Stat. 999.

at the request of the Director, appoint for the duration of operations under this Act alien clerks and employees in accordance with applicable provisions of the Foreign Service Act of 1946, as amended (22 U. S. C. 801).

SEC. 528. DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS.—(a) Whenever the President determines it to be consistent with and in furtherance of the purposes of this Act, the head of any United States Government agency is authorized to detail or assign any officer or employee of his agency to any office or position to which no compensation is attached with any foreign government or foreign government agency: *Provided*, That such acceptance of office shall in no case involve the taking of an oath of allegiance to another government.

(b) Any such officer or employee, while so assigned or detailed, shall be considered, for the purpose of preserving his privileges, rights, seniority, or other benefits as such, an officer or employee of the Government of the United States and of the Government agency from which assigned or detailed, and he shall continue to receive compensation, allowances, and benefits from funds available to that agency or made available to that agency out of funds authorized under this Act.

SEC. 529. DETAIL OF PERSONNEL TO INTERNATIONAL ORGANIZATIONS.—(a) Whenever the President determines it to be consistent with and in furtherance of the purposes of this Act, the head of any United States Government agency is authorized to detail, assign, or otherwise make available to any international organization any officer or employee of his agency to serve with or as a member of the international staff of such organization, or to render any technical, scientific or professional advice or service to or in cooperation with such organization.

22 USC 1131.

(b) Any such officer or employee, while so assigned or detailed, shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority and other benefits as such, an officer or employee of the Government of the United States and of the Government agency from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds available to that agency or made available to that agency out of funds authorized under this Act. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 901 of the Foreign Service Act of 1946, as amended (22 U. S. C. 801). The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 1765 of the Revised Statutes.

5 USC 70.

(c) Details or assignments may be made under this section—

(1) without reimbursement to the United States by the international organization;

(2) upon agreement by the international organization to reimburse the United States for compensation, travel expenses, and allowances, or any part thereof, payable to such officer or employee during the period of assignment or detail in accordance with subsection (b) of this section; and such reimbursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances, or to the appropriation, fund, or account currently available for such purposes;

(3) upon an advance of funds, property, or services to the United States accepted with the approval of the President for specified uses in furtherance of the purposes of this Act; and funds so advanced may be established as a separate fund in the Treasury of the United States, to be available for the specified

uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the international organization; or

(4) subject to the receipt by the United States of a credit to be applied against the payment by the United States of its share of the expenses of the international organization to which the officer or employee is detailed, such credit to be based upon the compensation, travel expenses and allowances, or any part thereof, payable to such officer or employee during the period of assignment or detail in accordance with subsection (b) of this section.

SEC. 530. EXPERTS AND CONSULTANTS OR ORGANIZATIONS THEREOF.—

(a) Experts and consultants or organizations thereof, as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), may be employed by any United States Government agency for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of \$75 per diem, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at a rate not to exceed \$10 while so employed within the continental limits of the United States and at the applicable rate prescribed in the Standardized Government Travel Regulations (Foreign Areas) while so employed outside the continental limits of the United States.

60 Stat. 810.

(b) Persons of outstanding experience and ability may be employed without compensation by any United States Government agency for the performance of functions under this Act in accordance with the provisions of section 710 (b) of the Defense Production Act of 1950, as amended (50 U. S. C. App. 2160), and regulations issued thereunder.

64 Stat. 819.

SEC. 531. SECURITY CLEARANCE.—No citizen or resident of the United States may be employed, or if already employed, may be assigned to duties by the Director under this Act for a period to exceed three months unless—

(a) such individual has been investigated as to loyalty and security by the Civil Service Commission, or by the Federal Bureau of Investigation in the case of specific positions which have been certified by the Director as being of a high degree of importance or sensitivity or in case the Civil Service Commission investigation develops data reflecting that the individual is of questionable loyalty, and a report thereon has been made to the Director, and until the Director has certified in writing (and filed copies thereof with the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs) that, after full consideration of such report, he believes such individual is loyal to the United States, its Constitution, and form of government, and is not now and has never knowingly been a member of any organization advocating contrary views; or

(b) such individual has been investigated by a military intelligence agency and the Secretary of Defense has certified in writing that he believes such individual is loyal to the United States and filed copies thereof with the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs.

This section shall not apply in the case of any officer appointed by the President by and with the advice and consent of the Senate, nor shall it apply in the case of any person already employed under programs covered by this Act who has been previously investigated in connection with such employment.

SEC. 532. EXEMPTION OF PERSONNEL FROM CERTAIN FEDERAL LAWS.—

(a) Service of an individual as a member of the Board established pursuant to section 308 of this Act or as an expert or consultant under

62 Stat. 697.

56 Stat. 14.

47 Stat. 406.

28 Stat. 205; 43
Stat. 245.

37 USC 231 note.

22 USC 1611
note.65 Stat. 7.
50 USC app.
1211 note.

section 530 (a) shall not be considered as service or employment bringing such individual within the provisions of title 18, U. S. C., section 281, 283 or 284, or of section 190 of the Revised Statutes (5 U. S. C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States, except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter in which such individual was directly involved in the performance of such service; nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 6 of the Act of May 22, 1920, as amended (5 U. S. C. 715), section 212 of the Act of June 30, 1932, as amended (5 U. S. C. 59a), or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities.

(b) Notwithstanding section 2 of the Act of July 31, 1894 (5 U. S. C. 62), which prohibits certain retired officers from holding certain office, any retired officer of any of the services mentioned in the Career Compensation Act of 1949 may hold any office or appointment under this Act or the Mutual Defense Assistance Control Act of 1951, but the compensation of any such retired officer shall be subject to the provisions of the Act of June 30, 1932 (5 U. S. C. 59a), which does not permit retired pay to be added to the compensation received as a civilian officer.

SEC. 533. WAIVERS OF CERTAIN FEDERAL LAWS.—Whenever the President determines it to be in furtherance of purposes declared in this Act, the functions authorized under this Act may be performed, without regard to such provisions of law (other than the Renegotiation Act of 1951, as amended) regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

SEC. 534. REPORTS.—The President, from time to time while funds appropriated for the purpose of this Act continue to be available for obligation, shall transmit to the Congress reports covering each six months of operations, in furtherance of the purposes of this Act, except information the disclosure of which he deems incompatible with the security of the United States. Reports provided for under this section shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, if the Senate or the House of Representatives, as the case may be, is not in session. Such reports shall include detailed information on the implementation of sections 504 and 413 (b) of this Act.

SEC. 535. COOPERATION WITH INTERNATIONAL ORGANIZATIONS.—(a) The President is authorized to request the cooperation of or the use of the services and facilities of the United Nations, its organs and specialized agencies, or other international organizations, in carrying out the purposes of this Act, and may make payments by advancements or reimbursements, for such purposes, out of funds made available for the purposes of this Act, as may be necessary therefor, to the extent that special compensation is usually required for such services and facilities: *Provided*, That nothing in this section shall be construed to authorize the delegation to any international or foreign organization or agency of authority to decide the method of furnishing assistance under this Act to any country or the amount thereof.

(b) Whenever the President determines it to be in furtherance of the purposes of this Act, United States Government agencies, on request of international organizations, are authorized to furnish sup-

plies, materials, and services, on an advance of funds or reimbursement basis, to such organizations. Such advances or reimbursements may be credited to the current applicable appropriation or fund of the agency concerned and shall be available for the purposes for which such appropriations and funds are authorized to be used.

SEC. 536. JOINT COMMISSION ON RURAL RECONSTRUCTION IN CHINA.—The President is authorized to continue to participate in the Joint Commission on Rural Reconstruction in China and to appoint citizens of the United States to the Commission.

CHAPTER 3. REPEAL AND MISCELLANEOUS PROVISIONS

SEC. 541. EFFECTIVE DATE.—This Act shall take effect on the date of its enactment.

SEC. 542. STATUTES REPEALED.—(a) There are hereby repealed—

(1) an Act to provide for assistance to Greece and Turkey, approved May 22, 1947, as amended;

(2) the joint resolution to provide for relief assistance to the people of countries devastated by war, approved May 31, 1947, as amended;

(3) the Foreign Aid Act of 1947;

(4) the Foreign Assistance Act of 1948, as amended; including the Economic Cooperation Act of 1948, as amended, the International Children's Emergency Fund Assistance Act of 1948, as amended, the Greek-Turkish Assistance Act of 1948, and the China Aid Act of 1948, as amended;

(5) the Mutual Defense Assistance Act of 1949, as amended;

(6) the Foreign Economic Assistance Act of 1950, as amended; including the Economic Cooperation Act of 1950, the China Area Aid Act of 1950, as amended, the United Nations Palestine Refugee Aid Act of 1950, and the Act for International Development, as amended;

(7) the Far Eastern Economic Assistance Act of 1950, as amended;

(8) the Yugoslav Emergency Relief Assistance Act of 1950;

(9) the Mutual Security Act of 1951, as amended;

(10) the Mutual Security Act of 1952;

(11) the Mutual Security Act of 1953;

(12) section 12 of the joint resolution of Congress approved November 4, 1939 (54 Stat. 10; 22 U. S. C. 452);

(13) section 4 of the Act of March 3, 1925 (50 Stat. 887; 50 U. S. C. 165); and

(14) section 968 of title 18, United States Code.

(b) References in other Acts to the Acts listed in subsection (a) shall hereafter be considered to be references to the appropriate provisions of this Act.

(c) The repeal of the Acts listed in subsection (a) shall not be deemed to affect amendments contained in such Acts to Acts not named in subsection (a).

SEC. 543. SAVING PROVISIONS.—

(a) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into under authority of any provision of law repealed by section 542 shall continue in full force and effect until modified by appropriate authority.

(b) Where provisions of this Act establish conditions which must be complied with before use may be made of authority contained in or funds authorized by this Act, compliance with substantially similar conditions under Acts named in section 542 shall be deemed to constitute compliance with the conditions established by this Act.

Effective date.

Repeals.

61 Stat. 103.
22 USC 1401
note.
61 Stat. 125.
22 USC 1411-
1417.
61 Stat. 934.
22 USC 1411
note.
62 Stat. 137.
22 USC 1503
note, 1531 note,
1409 note, 1541
note.
63 Stat. 714.
22 USC 1571
note.
64 Stat. 198.
22 USC 1509
note, 1547 note,
1556 note, 1557
note.
64 Stat. 5.
22 USC 1551
note.
64 Stat. 1122.
22 USC 1558.
65 Stat. 373.
22 USC 1651
note.
66 Stat. 141.
22 USC 1651
note.
67 Stat. 152.
22 USC 1675i
note.
62 Stat. 748.

(c) No person in the service or employment of the United States or otherwise performing functions under an Act repealed by section 542 or under section 408 shall be required to be reappointed or reemployed by reason of the entry into force of this Act, except that appointments made pursuant to section 110 (a) (2) of the Economic Cooperation Act of 1948, as amended, shall be converted to appointments under section 527 (c) of this Act.

62 Stat. 143.
22 USC 1508 (a)
(2).

SEC. 544. AMENDMENTS TO OTHER LAWS.—(a) Title X of the United States Information and Educational Exchange Act of 1948, as amended (22 U. S. C. 1431), is amended by adding the following new section:

62 Stat. 13.
22 USC 1431,
1434-1440.

“INFORMATIONAL MEDIA GUARANTIES

“SEC. 1011. The Director of the United States Information Agency may make guaranties, in accordance with the provisions of subsection (b) of section 413 of the Mutual Security Act of 1954, of investments in enterprises producing or distributing informational media consistent with the national interests of the United States against funds heretofore made available by notes issued to the Secretary of the Treasury pursuant to section 111 (c) (2) of the Economic Cooperation Act of 1948, as amended, for purposes of guaranties of investments: *Provided, however,* That the amount of such guaranties in any fiscal year shall be determined by the President but shall not exceed \$10,000,000.”

62 Stat. 146.
22 USC 1509(c)
(2).

Repeal.
63 Stat. 685.
22 USC 281b,
281b-1.
Institute of Inter-
American Affairs.
61 Stat. 780.

42 Stat. 20.

59 Stat. 597.

(b) Section 1 of Public Law 283, Eighty-first Congress, is repealed. The Institute of Inter-American Affairs, created pursuant to Public Law 369, Eightieth Congress (22 U. S. C. 281), shall have succession until June 30, 1960, and may make contracts for periods not to exceed five years: *Provided,* That any contract extending beyond June 30, 1960, shall be made subject to termination by the said Institute upon notice: *And provided further,* That the said Institute shall, on and after July 1, 1954, be subject to the applicable provisions of the Budget and Accounting Act, 1921, as amended (31 U. S. C. 1), in lieu of the provisions of the Government Corporation Control Act, as amended (31 U. S. C. 841).

SEC. 545. DEFINITIONS.—For the purposes of this Act—

(a) The term “commodity” includes any commodity, material, article, supply, or goods.

(b) The term “surplus agricultural commodity” means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States either publicly or privately owned, which is in excess of domestic requirements, adequate carryover, and anticipated exports for dollars, as determined by the Secretary of Agriculture.

(c) The terms “equipment” and “materials” shall mean any arms, ammunition, or implements of war, or any other type of material, article, raw material, facility, tool, machine, supply or item that would further the purpose of chapter 1 of title I, or any component or part thereof, used or required for use in connection therewith, or required in or for the manufacture, production, processing, storage, transportation, repair, or rehabilitation of any equipment or materials, but shall not include merchant vessels.

(d) The term “mobilization reserve”, as used with respect to any equipment or materials, means the quantity of such equipment or materials determined by the Secretary of Defense under regulations prescribed by the President to be required to support mobilization of the Armed Forces of the United States in the event of war or national emergency until such time as adequate additional quantities of such equipment or materials can be procured.

(e) The term "excess", as used with respect to any equipment or materials, means the quantity of such equipment or materials owned by the United States which is in excess of the mobilization reserve of such equipment or materials.

(f) The term "services" shall include any service, repair, training of personnel, or technical or other assistance or information necessary to effectuate the purposes of this Act.

(g) The term "Armed Forces of the United States" shall include any component of the Army of the United States, of the United States Navy, of the United States Marine Corps, of the Air Force of the United States, of the United States Coast Guard, and the Reserve components thereof.

(h) The term "value" means—

(1) with respect to any excess equipment or materials furnished under chapter 1, of title I, the gross cost of repairing, rehabilitating, or modifying such equipment or materials prior to being so furnished;

(2) with respect to any nonexcess equipment or materials furnished under chapter 1 of title I which are taken from the mobilization reserve (other than equipment or materials referred to in paragraph (3) of this subsection), the actual or the projected (computed as accurately as practicable) cost of procuring for the mobilization reserve an equal quantity of such equipment or materials or an equivalent quantity of equipment or materials of the same general type but deemed to be more desirable for inclusion in the mobilization reserve than the equipment or materials furnished;

(3) with respect to any nonexcess equipment or materials furnished under chapter 1 of title I which are taken from the mobilization reserve but with respect to which the Secretary of Defense has certified that it is not necessary fully to replace such equipment or materials in the mobilization reserve, the gross cost to the United States of such equipment and materials or its replacement cost, whichever the Secretary of Defense may specify; and

(4) with respect to any equipment or materials furnished under chapter 1 of title I which are procured for the purpose of being so furnished, the gross cost to the United States of such equipment and materials.

In determining the gross cost incurred by any agency in repairing, rehabilitating, or modifying any excess equipment furnished under chapter 1 of title I, all parts, accessories, or other materials used in the course of repair, rehabilitation, or modification shall be priced in accordance with the current standard pricing policies of such agency. For the purpose of this subsection, the gross cost of any equipment or materials taken from the mobilization reserve means either the actual gross cost to the United States of that particular equipment or materials or the estimated gross cost to the United States of that particular equipment or materials obtained by multiplying the number of units of such particular equipment or materials by the average gross cost of each unit of that equipment and materials owned by the furnishing agency.

(i) The term "United States Government agency" means any department, agency, board, wholly or partly owned corporation, or instrumentality, commission, or establishment of the United States Government.

SEC. 546. CONSTRUCTION.—(a) If any provision of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and applicability

of such provision to other circumstances or persons shall not be affected thereby.

60 Stat. 755.

(b) Nothing in this Act shall alter, amend, revoke, repeal, or otherwise affect the provisions of the Atomic Energy Act of 1946, as amended (42 U. S. C. 1801).

(c) Nothing in this Act is intended nor shall it be construed as an expressed or implied commitment to provide any specific assistance, whether of funds, commodities, or services, to any nation or nations, or to any international organization.

SEC. 547. REDUCTION OF AUTHORIZATIONS.—Notwithstanding the foregoing provisions of this Act, such provisions shall not be construed to authorize the appropriation for the fiscal year 1955, for the purposes of titles I, II, and IV of this Act, of amounts (exclusive of unexpended balances of prior appropriations authorized to be continued available under such provisions) aggregating in excess of \$2,918,040,000.

Approved August 26, 1954.

Public Law 666

CHAPTER 1004

AN ACT

August 27, 1954
[S. 3302]

Granting to the Las Vegas Valley water district, a public corporation organized under the laws of the State of Nevada, certain public lands of the United States in the State of Nevada.

Las Vegas Val-
ley water district,
Nev.
Land grant.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Las Vegas Valley water district, a public corporation organized under the laws of the State of Nevada, all lands belonging to the United States situated in Clark County, State of Nevada, which may be necessary, as found by the Secretary of the Interior, for the construction, operation, and maintenance of facilities for the development, production, storage, transmission, and distribution of water, including any or all of the following purposes only to the extent required for such development, production, storage, transmission, and distribution of water:

Rights-of-way; buildings and structures; construction and maintenance camps; dumping grounds, flowage, diverting, or storage dams; pumping plants; canals, ditches, pipes, pipelines, flumes, tunnels, and conduits for conveying water for domestic, irrigation, household, stock, municipal, mining, milling, industrial, and other useful purposes; poles, towers, underground conduits, lines, and equipment for the conveyance and distribution of electrical energy; poles, underground conduits, and lines for telephone and telegraph purposes; roads, trails, bridges, tramways, railroads, and other means of locomotion, transmission, or communication; for obtaining stone, earth, gravel, and other materials of like character; or any other necessary purposes of said grantee, together with the right to take for its own use, from any public lands, within such limits as the Secretary of the Interior may determine, stone, earth, gravel, sand, and other materials of like character necessary or useful in the construction, operation, and maintenance of aqueducts, reservoirs, dams, pumping plants, electric transmission, telephone, and telegraph lines, roads, trails, bridges, tramways, railroads, and other means of locomotion, transmission, and communication, or any other necessary purposes of said grantee.

Reservation of
minerals.

That there is hereby excepted and reserved unto the United States, from said grant, minerals, other than sand, stone, earth, gravel, and other materials of like character: *Provided, however,* That such

minerals so excepted and reserved shall be prospected for, mined, and removed only in accordance with regulations to be prescribed by the Secretary of the Interior.

This grant shall be effective upon (1) the filing by said grantee at any time after the passage of this Act, with the manager of the United States local land office in the district where said lands are situated, of a map or maps showing the boundaries, locations, and extent of said lands and of said rights-of-way for the purposes hereinabove set forth; (2) the approval of such map or maps by the Secretary of the Interior with such reservations or modifications as he may deem appropriate; (3) the payment of a price representing the fair market value for said rights-of-way and other lands, and also for stone, earth, sand, gravel and other materials of like character, to be fixed by the Secretary of the Interior through appraisal, exclusive of any increased value resulting from the development or improvement of the lands by the grantee or its predecessors, or a reasonable rental, as the case may be: *Provided*, That said lands for rights-of-way shall be along such location and of such width, not to exceed two hundred and fifty feet, as in the judgment of the Secretary of the Interior may be required for the purposes of this Act.

SEC. 2. Said grants are to be made subject to rights-of-way, easements, and permits heretofore granted or allowed to any person or corporation in accordance with any Act or Acts of Congress and subject to the rights of all claimants or persons who shall have filed or made valid claims, locations, or entries on or to said lands, or any part thereof prior to the effective date of any conflicting grant hereunder, unless prior to such effective date proper relinquishments or quit-claims have been procured and caused to be filed in the proper land office.

SEC. 3. That, whenever the land granted herein shall cease to be used for the purposes for which it is granted, the estate of the grantee or of its assigns shall terminate and revert in the United States.

Approved August 27, 1954.

Public Law 667

CHAPTER 1005

JOINT RESOLUTION

To extend greetings to the Gold Coast and Nigeria.

August 27, 1954
[S. J. Res. 183]

Whereas it is the policy of the United States to encourage efforts toward independence and self-government truly expressive of the desires of the people and as they show their capability to establish and protect free institutions; and

Whereas the continent of Africa is a vital part of the free world area; and

Whereas a revised constitution of the Gold Coast was approved on April 29, 1954, and the first formal meeting of the legislature of that territory under this constitution will take place on July 29, 1954; and

Whereas a revised constitution of Nigeria is expected to be approved during August 1954, and the first meeting of the federal legislature of that territory under this constitution is expected to take place shortly thereafter; and

Whereas these occasions mark important milestones in their progress toward self-government and independence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States extend its most cordial greetings to the representative

Gold Coast and
Nigeria.
Congressional
greetings.

bodies of the Gold Coast and Nigeria on the occasion of the first meeting of their legislatures under the revised constitutions, in recognition of the democratic ideals shared by the United States and those territories, and in reaffirmation of the friendship of the United States for the peoples of Africa; and be it further

Resolved, That the Secretary of State is hereby requested to appoint a United States delegation at the appropriate time to represent the United States at ceremonies marking the achievement of complete self-government for these territories.

Approved August 27, 1954.

Public Law 668

CHAPTER 1006

August 27, 1954
[S. 3239]

AN ACT

To authorize conveyance of land to the State of California for an inspection station.

California.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to sell at not less than the appraised value thereof to the State of California, and to convey by appropriate instrument, the following-described land:

Beginning at a three-fourths inch iron pipe on the westerly right-of-way line of California State Highway Numbered 395, said point of beginning more particularly described as being north forty-six degrees forty-six minutes fifty-three seconds east, four thousand two hundred ten and twenty-eight one-hundredths feet from the corner common to sections 32 and 33, township 43 north, range 13 east, and sections 4 and 5, township 42 north, range 13 east, Mount Diablo base and meridian, and north fifty-five degrees forty-two minutes west, fifty feet from station 214 on the center line of California State Highway Numbered 395; thence, from said point of beginning north fifty-five degrees forty-two minutes west, one hundred thirty and fifteen one-hundredths feet to a three-fourths inch iron pipe on the easterly right-of-way line of the Southern Pacific Railroad; thence, north forty degrees four minutes east, along said right-of-way line seven hundred three and fifty-six one-hundredths feet to a three-fourths inch iron pipe; thence, south fifty-five degrees forty-two minutes east, fifty-nine and forty-eight one-hundredths feet to a three-fourths inch iron pipe in the westerly right-of-way line of California State Highway Numbered 395; thence south thirty-four degrees eighteen minutes west, seven hundred feet to the point of beginning.

25 USC 155.

SEC. 2. The proceeds of the sale of the land shall be deposited in the Treasury of the United States to the credit of the Pitt River Indians under the Act of May 17, 1926 (44 Stat. 560).

Approved August 27, 1954.

Public Law 669

CHAPTER 1007

August 27, 1954
[S. 3393]

AN ACT

Authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wisconsin.

Milwaukee County,
Wis.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to convey to

Milwaukee County, Wisconsin, for use for highway, motor vehicle parking, and recreational purposes, all right, title, and interest of the United States in and to a tract of twenty-eight acres of land, more or less, together with structures thereon, constituting a portion of the reservation of the Veterans' Administration Center, Wood, Wisconsin, and situated along the southwesterly boundary of certain land conveyed to Milwaukee County by the Administrator pursuant to the Act of September 1, 1949 (63 Stat. 683), and described therein as "Parcel II". The exact legal description of the land to be conveyed shall be determined by the Administrator or his designate and, in the event that a survey is required in order to make such determination, Milwaukee County shall bear the expense thereof.

SEC. 2. The deed of conveyance shall—

Construction for
VA.

(a) provide that Milwaukee County shall construct for the Veterans' Administration two service buildings, a duplex house and two-car garage, an animal house (all with necessary utilities and service drives), a water meter pit, necessary fencing, and a service road, all of which construction shall be in accordance with plans, and at locations on the reservation of the Veterans' Administration Center, Wood, Wisconsin, to be mutually agreed upon by the Administrator of Veterans' Affairs or his designate and Milwaukee County;

(b) provide that if Milwaukee County fails to use the tract of land so conveyed for highway, motor vehicle parking and recreational purposes or alienates or attempts to alienate all or any part thereof, title thereto shall revert to the United States; and

(c) contain such additional terms, conditions, reservations, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interests of the United States.

Approved August 27, 1954.

Public Law 670

CHAPTER 1008

AN ACT

To amend section 709 of title 18, United States Code, so as to protect the name of the Federal Bureau of Investigation from commercial exploitation.

August 27, 1954
[S. 3769]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 709 of title 18, United States Code, is amended by inserting immediately after the eighth paragraph thereof a new paragraph as follows:

Federal Bureau
of Investigation.
62 Stat. 733.

"Whoever, except with the written permission of the Director of the Federal Bureau of Investigation, knowingly uses the words 'Federal Bureau of Investigation' or the initials 'F. B. I.', or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the Federal Bureau of Investigation; or".

Use of name.

Approved August 27, 1954.

Public Law 671

CHAPTER 1009

August 27, 1954
[S. 3532]

AN ACT

To provide for the partition and distribution of the assets of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah between the mixed-blood and full-blood members thereof; and for the termination of Federal supervision over the property of the mixed-blood members of said tribe; to provide a development program for the full-blood members of said tribe; and for other purposes.

Ute Indians,
Utah.
Distribution of
assets.
Termination of
Federal supervi-
sion.

Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to provide for the partition and distribution of the assets of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah between the mixed-blood and full-blood members thereof; for the termination of Federal supervision over the trust, and restricted property, of the mixed-blood members of said tribe; and for a development program for the full-blood members thereof, to assist them in preparing for termination of Federal supervision over their property.

SEC. 2. For the purposes of this Act—

(a) "Tribe" means the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah.

(b) "Full-blood" means a member of the tribe who possesses one-half degree of Ute Indian blood and a total of Indian blood in excess of one-half, excepting those who become mixed-bloods by choice under the provisions of section 4 hereof.

(c) "Mixed-blood" means a member of the tribe who does not possess sufficient Indian or Ute Indian blood to fall within the full-blood class as herein defined, and those who become mixed-bloods by choice under the provisions of section 4 hereof.

(d) "Secretary" means Secretary of the Interior.

(e) "Superintendent" means the Superintendent of the Uintah and Ouray Reservation, Utah.

(f) "Asset" means any property of the tribe, real, personal or mixed, whether held by the tribe or by the United States in trust for the tribe, or subject to a restriction against alienation imposed by the United States.

(g) "Adult" means a member of the tribe who has attained the age of twenty-one years.

SEC. 3. For the purposes of this Act Ute Indian blood shall be determined in accordance with the constitution and bylaws of the tribe and all tribal ordinances in force and effect on the effective date of this Act.

SEC. 4. Any member of the tribe whose name appears on the proposed roll of full-blood members as provided in section 8 hereof and any person whose name is added to such proposed roll as the result of an appeal to the Secretary may apply to the Superintendent to become identified with and a part of the mixed-blood group: *Provided*, That such application is made within thirty days subsequent to the publication of such proposed roll or in the event of an appeal within thirty days subsequent to notification of the decision on said appeal: *And provided further*, That before such transfer is made upon the official rolls the Secretary shall first certify that, in his opinion, such change in status is not detrimental to the best interest of the person seeking such change.

SEC. 5. Effective on the date of publication of the final rolls as provided in section 8 hereof the tribe shall thereafter consist exclusively of full-blood members. Mixed-blood members shall have no interest therein except as otherwise provided in this Act.

Mixed-blood
members.
Right to organ-
ize.

SEC. 6. The mixed-blood members of the tribe, including those residing on and off the reservation, shall have the right to organize for their common welfare, and may adopt an appropriate constitution and bylaws which shall become effective when ratified by a majority

vote of the adult mixed-blood members of the tribe at a special election authorized and called by the Secretary under such rules and regulations as he may prescribe. Such constitution may provide for the selection of authorized representatives who shall have power to take any action that is required by this Act to be taken by the mixed-blood members as a group: *Provided*, That nothing herein contained shall be construed as requiring said mixed-blood Indians to so organize if such organization is by them deemed unnecessary. In the event no such approved organization is effected, any action taken by the adult mixed-blood members, by majority vote, whether in public meeting or by referendum, but in either event, after such notice as may be prescribed by the Secretary, shall be binding upon said mixed-blood members of the tribe for the purposes of this Act.

SEC. 7. The mixed-blood members of the tribe as a group may employ legal counsel to accomplish the legal work required on behalf of said group under the terms of this Act, and for any other purpose by them deemed necessary or desirable; the choice of counsel and fixing of fees to be subject to the approval of the Secretary until Federal supervision over all of the members of said group and their property is terminated in the manner provided in section 16 of this Act.

SEC. 8. The tribe shall have a period of thirty days from the date of enactment of this Act in which to prepare and submit to the Secretary a proposed roll of the full-blood members of the tribe, and a proposed roll of the mixed-blood members of the tribe, living on the date of enactment of this Act. If the tribe fails to submit such proposed rolls within the time specified in this Act, the Secretary shall prepare such proposed rolls for the tribe. Said proposed rolls shall be published in the Federal Register, and in a newspaper of general circulation in each of the counties of Uintah and Duchesne in the State of Utah. Any person claiming membership rights in the tribe, or an interest in its assets, or a representative of the Secretary on behalf of any such person, within sixty days from the date of publication in the Federal Register, or in either of the papers of general circulation, as hereinbefore provided, whichever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from either of such proposed rolls. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals to the Secretary, and after all transfers have been made pursuant to section 4 hereof the roll of the full-blood members of the tribe, and the roll of the mixed-blood members of the tribe, shall be published in the Federal Register, and such rolls shall be final for the purposes of this Act.

SEC. 9. The business committee of the tribe for and on behalf of the full-blood members of said tribe, and the duly authorized representatives for the mixed-blood members of said tribe, acting jointly, are hereby authorized, subject to the approval of the Secretary, to sell, exchange, dispose of, and convey to any purchaser deemed satisfactory to said committee and representatives, any or all of the lands of said tribe described as follows, to wit:

Legal counsel.

Tribal roll.

Publication in
FR.

Disposal of
lands.

Description	Section	Acres
Township 1 North, Range 1 East: NW/4 SW/4.....	35	40.00
Township 1 North, Range 1 West: W/2 NE/4.....	20	80.00
SE/4 SW/4.....	21	40.00
NE/4 NW/4; N/2 SW/4.....	28	120.00
Total.....		240.00

Description	Section	Acres
Township 2 North, Range 1 West:		
E/2 SW/4 NE/4	35	20.00
Township 1 South, Range 1 West:		
NW/4 SE/4	6	40.00
Lot 3	7	40.51
S/2 NE/4; NE/4 SE/4; W/2 SW/4 NW/4; W/2 NW/4 SW/4	16	160.00
E/2 SE/4	17	80.00
E/2 NE/4	20	80.00
SE/4 SE/4	29	40.00
Lot 2	30	40.26
SW/4 NW/4; SW/4 SE/4	35	80.00
SW/4 NE/4	36	40.00
Total		600.77
Township 1 South, Range 2 West:		
NW/4 SW/4	12	40.00
S/2 NE/4; N/2 SE/4	14	160.00
Total		200.00
Township 1 South, Range 3 West:		
SW/4 SE/4	8	40.00
NW/4 NW/4	16	40.00
Total		80.00
Township 1 South, Range 8 West:		
W/2 SW/4	3	80.00
NE/4 SE/4	4	40.00
All	5	721.00
All	6	695.40
NE/4 NW/4	10	40.00
NE/4 SW/4	12	40.00
SW/4 NW/4	14	40.00
Total		1,656.40
Township 2 South, Range 1 West:		
S/2 SW/4; SE/4 SE/4	1	120.00
Lot 3; SE/4 NW/4	4	81.28
Lots 1 & 2; E/2 NW/4; W/2 NE/4	7	237.78
NW/4 NW/4	12	40.00
SE/4 NE/4	13	40.00
Total		519.06
Township 2 South, Range 1 East:		
Lot 2; SE/4 NW/4	18	79.71
Township 2 South, Range 2 West:		
S/2 S/2	2	160.00
N/2	12	320.00
Total		480.00
Township 2 South, Range 3 West:		
E/2 NE/4	17	80.00
NE/4 SW/4; S/2 SE/4	19	120.00
NW/4 SW/4	29	40.00
Lots 1 & 2; E/2 NW/4; NE/4	30	316.36
Lot 2; SE/4 NW/4	31	78.40
Total		634.76
Township 2 South Range 4 West:		
SW/4 SW/4	1	40.00
SE/4 SW/4; SW/4 SE/4	9	80.00
W/2 NE/4	16	80.00
NE/4	28	160.00
N/2 SE/4	32	80.00
Lots 3 & 4; N/2 SW/4	33	167.31
NE/4 SW/4; N/2 SE/4; Lots 1 & 2	36	200.46
Total		807.77
Township 2 South Range 5 West:		
NW/4	10	160.00
NE/4 NE/4	29	40.00
N/2 NE/4; SE/4 NE/4	33	120.00
W/2 NW/4; SE/4 NW/4; N/2 SW/4; SE/4 SW/4; S/2 SE/4	34	320.00
NW/4 SE/4	36	40.00
Total		680.00
Township 2 South Range 7 West:		
NE/4 SE/4; SW/4 SW/4	13	80.00
NE/4 NE/4; SW/4 NW/4; N/2 SW/4; SE/4 SW/4; W/2 SE/4; SE/4 SE/4	14	320.00
W/2 NE/4; SE/4 NE/4	15	120.00
N/2 NE/4	23	80.00
N/2 N/2; SE/4 NE/4	24	200.00
Total		800.00

Description	Section	Acres
Township 2 South Range 8 West:		
SE/4 SW/4.....	31	40.00
Township 3 South Range 1 East:		
Lot 2; SE/4 NW/4; S/2 NE/4.....	7	158.12
N/2 SW/4; SW/4 NE/4; NW/4 SE/4.....	16	160.00
Lots 1, 2 & 3; NE/4 SW/4.....	18	155.35
E/2 NE/4.....	30	80.00
Total.....		553.47
Township 3 South Range 2 East:		
Lot 8.....	6	35.49
SW/4 SW/4.....	25	40.00
SE/4 NW/4; E/2 SW/4.....	36	120.00
Total.....		195.49
Township 3 South Range 1 West:		
N/2 SE/4.....	3	80.00
Lots 1-8, Incl. S/2 N/2.....	22	331.46
Lots 1-4, Incl. S/2 N/2.....	23	338.28
Lots 1-4, Incl. S/2 N/2.....	24	341.20
W/2 SE/4.....	25	80.00
Total.....		1,170.94
Township 3 South Range 2 West:		
S/2 S/2.....	9	160.00
S/2 SE/4.....	7	80.00
SW/4 SW/4.....	8	40.00
W/2 SW/4.....	15	80.00
NE/4 SW/4; NW/4; SE/4.....	16	360.00
SW/4 SW/4.....	17	40.00
NE/4 NE/4.....	18	40.00
N/2 NE/4.....	21	80.00
N/2 NW/4.....	24	80.00
W/2 SW/4.....	33	80.00
Total.....		1,040.00
Township 3 South Range 3 West:		
S/2 NW/4; NE/4 SW/4; N/2 SE/4.....	2	200.00
NW/4 SE/4; N/2 SW/4.....	17	120.00
All (Lots 1-4, Incl., E/2 W/2; E/2).....	19	633.87
SW/4 SW/4.....	20	40.00
E/2 SW/4.....	21	80.00
N/2 NW/4; S/2 NE/4; NE/4 SE/4.....	29	200.00
W/2 NE/4; NE/4 NW/4; Lot 1.....	30	158.66
Total.....		1,432.53
Township 3 South Range 4 West:		
SW/4 NW/4.....	11	40.00
S/2 SE/4; SE/4 SW/4; N/2 S/2.....	13	280.00
NE/4; NE/4 NW/4.....	24	200.00
SE/4 NE/4; W/2 NE/4; E/2 NW/4.....	26	200.00
E/2 NE/4.....	30	80.00
Total.....		900.00
Township 3 South Range 5 West:		
Lots 1 & 2; SE/4 NE/4.....	3	118.86
Lot 4; SW/4 NW/4; W/2 SW/4; SE/4 SW/4.....	2	199.58
S/2 NE/4; N/2 SE/4.....	5	160.00
NW/4; W/2 NE/4; NE/4 SW/4; NW/4 SE/4.....	11	320.00
W/2 E/2.....	12	160.00
W/2 E/2.....	13	160.00
SW/4 NW/4; N/2 SW/4; SW/4 SW/4.....	21	160.00
E/2 NE/4.....	34	80.00
Total.....		1,358.44
Township 3 South Range 7 West:		
Lots 3 & 4.....	7	66.55
S/2.....	13	320.00
NW/4 SW/4.....	16	40.00
E/2 SE/4; SW/4 SE/4; W/2 NW/4.....	17	200.00
E/2 NE/4; Lots 1 & 2.....	18	147.16
Total.....		773.71

All such sales, exchanges, or other dispositions shall be made upon such terms as said committee and said authorized representatives shall deem satisfactory and may be made pursuant to bids or at private sale, and all funds or other property derived from such sales, exchanges, or other dispositions shall be subject to the terms of this Act. Consent by the tribal business committee and said authorized representatives to the sale, exchange, or other disposal of the lands herein described shall relieve the United States of any liability resulting from such sale, exchange, or other disposition. The tribal business committee and said authorized representatives are further authorized to sell or dispose of tribal assigned lands to the assignees thereof under such terms and conditions as may be agreed upon by the said tribal business committee and said authorized representatives with the assignees, subject, however, to the approval of the Secretary.

SEC. 10. The tribal business committee representing the full-blood group, and the authorized representatives of the mixed-blood group, within sixty days after the publication of the final membership roll, as provided in section 8 hereof, shall commence a division of the assets of the tribe that are then susceptible to equitable and practicable distribution. Such division shall be by agreement between them subject to the approval of the Secretary. Said division shall be based upon the relative number of persons comprising the final membership roll of each group. After such division the rights or beneficial interests in tribal property of each mixed-blood person whose name appears on the roll shall constitute an undivided interest in and to such property which may be inherited or bequeathed, but shall be subject to alienation or encumbrance before the transfer of title to such tribal property only as provided herein. Any contract made in violation of this section shall be null and void. If said groups are unable to agree upon said division within a period of twelve months from the date of such commencement, or any authorized extension of said period granted within the discretion of the Secretary, the Secretary is authorized to partition the assets of the tribe in such manner as in his opinion will be equitable and fair to both groups. Such partition shall give rise to no cause of action against the United States and the costs of such partition shall be paid by the tribe. The Secretary is authorized to provide such reasonable assistance as may be requested by both groups, or by either group, in formulation and execution of a plan for the division of said assets, including necessary technical services of Government employees at Fort Duchesne, Utah, and arranging for necessary consultations with representatives of Federal departments and agencies, officials of the State of Utah, and political subdivisions thereof, and members of the tribe. All unadjudicated or unliquidated claims against the United States, all gas, oil, and mineral rights of every kind, and all other assets not susceptible to equitable and practicable distribution shall be managed jointly by the Tribal Business Committee and the authorized representatives of the mixed-blood group, subject to such supervision by the Secretary as is otherwise required by law, and the net proceeds therefrom after deducting the costs chargeable to such management shall first be divided between the full-blood and mixed-blood groups in direct proportion to the number of persons comprising the final membership roll of each group and without regard to the number of persons comprising each group at the time of the division of such proceeds.

Division of assets.

SEC. 11. Notwithstanding any other provision of existing law, the tribal funds now on deposit or hereafter deposited in the United States Treasury to the credit of the tribe or either group thereof, shall be available for advance to the tribe or the respective groups, or for expenditure, for such purposes, including per capita payments,

Availability of tribal funds.

as may be designated by the Tribal Business Committee for the full-blood members, and by the authorized agents of the mixed-blood members, and in either event subject to the approval of the Secretary: *Provided*, That the aggregate amount of the expenditures and advances authorized by this section for the mixed-blood group shall not exceed 50 per centum of the total funds of said mixed-blood group after such division, until said mixed-blood group has adopted a plan approved by the Secretary for termination of Federal supervision of said mixed-blood group, as required under section 13 hereof. After such termination of Federal supervision, per capita payments to the mixed-blood group shall not be subject to approval of the Secretary.

Per capita pay-
ments.

SEC. 12. Fifty per centum of all per capita payments to any individual mixed-blood member made pursuant to any division or distribution hereunder shall have deducted therefrom any sum or sums of money owed by such member to the tribe, whether due or to become due, unless in the opinion of the Secretary said debts are not adequately secured in which event the entire per capita payment shall be subject to such offset. Any other division, partition or distribution of property to any individual mixed-blood member made pursuant to this Act shall be subject to a mortgage to be made in favor of the tribe securing the payment of all sums of money owed by him to the tribe on the date of such division, partition or distribution to such individual mixed-blood member. The Secretary shall require the execution of any mortgage required hereunder as a condition to any such division, partition or distribution.

Mortgage require-
ment.

Distribution to
individual mem-
bers.

SEC. 13. After the adoption of a plan for the division of the assets between the two groups, a plan for distribution of the assets of the mixed-blood group to the individual members thereof shall be prepared and ratified by a majority of said group, within the period of six months from such adoption and presented to the Secretary for approval. The Secretary is authorized to provide such reasonable assistance, including necessary technical service of Government employees at Fort Duchesne, Utah, and arranging for necessary consultations with representatives of Federal departments and agencies, officials of the State of Utah and political subdivisions thereof, as may be required by the mixed-blood group in the preparation of such plan.

Plan.

The plan for division of the assets among the members of the mixed-blood group may include:

(1) Complete disposition of all cash assets of said group, reserving, however, sufficient funds to cover—

(i) the proportionate share of said mixed-blood group in and to all expenses incurred in effecting the purposes of this Act, including, but not limited to, the necessary expense incurred under sections 13 and 14 of this Act;

(ii) the just and proportionate share of the mixed-bloods in the expense incurred in the prosecution of the claims of the tribe, or the bands thereof, against the United States; and

(iii) the determinable and estimated administrative costs and expenses of any mixed-blood organization authorized by this Act, including lawful and reasonable salaries and fees of authorized agents, officers and employees of said mixed-blood group.

(2) Partition of the lands of the mixed-blood group, excepting all gas, oil, and mineral rights, to corporations, partnerships, or other legal entities, and to trustees, and the individual members of said groups, quality and quantity relatively considered, according to the respective rights and interests of the parties, located so as to embrace, as far as practicable, any improvements lawfully made by the person

or persons receiving such land. The value of the improvements made, under a valid lease or assignment from the tribe, shall be excluded from the valuation in making allotments to the lessee or assignee, and the land must be valued without regard to such improvements unless the lease or assignment, under which said improvements were made, provided that such improvements should become the property of the tribe. In the making of any partition due consideration shall be given to all of the rights and interests of the person or persons receiving the property, and all of the rights and interests of the other members of the tribe. Two or more of the members of said mixed-blood group may obtain their share of property as tenants in common, as joint tenants, or in any other lawful manner when such members agree among themselves as to the manner in which they desire to receive such title. When it appears that an equitable partition cannot be made among the members of said mixed-blood group without prejudice to the rights and interests of some of them, and yet a partition is directed by the group, the members of said group may voluntarily determine compensation to be made by one party to another on account of the inequity. In all cases where equity is agreed upon by the members of said mixed-blood group, such compensatory adjustment among the parties, according to the principles of equity, must be approved by the Secretary. In the event of a failure to agree upon an equitable compensatory adjustment among the parties the Secretary shall make such adjustment and his decision shall be final.

(3) Organization of corporations for the grazing of livestock, handling of water and water rights, and the shares therein may be issued to the members of said group in proportion to their interests in the assets of such corporations. When, in the opinion of said mixed-blood group, it is to the best interest of said group to transfer a portion of the assets of said group to a corporation or other legal entity for any purpose, the Secretary is authorized to make such transfer.

(4) A transfer of assets to one or more trustees designated by said group who shall hold title to all or any part of the property of said group for management or liquidation purposes under terms and conditions prescribed by said mixed-blood group. The Secretary is authorized to make such transfer, and approve the trustees, and the terms and conditions of the trust.

(5) Sale of any portion of the assets of said group subject to the approval of the Secretary. In addition to the sales herein otherwise authorized, authority is granted to the authorized representatives of said group to sell any property of said group when, in the opinion of the majority of said mixed-blood group, a practicable partition cannot be made, or for any other reason it is deemed to the best interests of the group, and the proceeds of such sales shall be distributed equitably among the members of said mixed-blood group; after deducting reasonable cost of sale and distribution.

SEC. 14. In the event all the tribal assets, susceptible to equitable and practicable distribution, distributed to the mixed-blood group under the provisions of section 10 hereof, are not, within seven years from the date of enactment of this Act, distributed to the individual mixed-blood members as contemplated in the plan to be adopted in accordance with the provisions of section 13 hereof, so as to effectively terminate Federal supervision over said assets, then the Secretary shall proceed to make such distribution in a manner, in his discretion, deemed fair and equitable to all members of said group, or convey such assets to a trustee for liquidation and distribution of the net proceeds, or convey such assets to the persons entitled thereto as tenants in common.

Disposal of tribal assets by individual member.

SEC. 15. Any member of the mixed-blood group may dispose of his interest in the tribal assets prior to termination of Federal supervision, subject to the approval of the Secretary. In the event a member of the mixed-blood group determines to dispose of his interest in any of said real property at any time within ten years from the date of enactment of this Act, he shall first offer it to the members of the tribe, and no sale of any interest, prior to termination of Federal supervision, shall be authorized without such offer to said members of the tribe in such form as may be approved by the Secretary. After termination of Federal supervision the requirement of such offer, in form to be approved by the Secretary, shall be a covenant to run with the land for said ten-year period, and shall be expressly provided in any patent or deed issued prior to the expiration of said period.

Sales restrictions, etc.
Removal.

SEC. 16. (a) When any mixed-blood member of the tribe has received his distributive share of the tribal assets distributed to the mixed-blood group under the provisions of section 10 hereof, whether such distribution is made in part or in whole to a corporation, partnership, or trusteeship in which he is interested, or otherwise, the Secretary is authorized and directed to immediately transfer to him unrestricted control of all other property held in trust for such mixed-blood member by the United States, and shall further remove all restrictions on the sale or encumbrance of trust or restricted property owned by such member of the tribe, and Federal supervision of such member and his property shall thereby be terminated, except as to his remaining interest in tribal property in the form of any unadjudicated or unliquidated claims against the United States, all gas, oil, and mineral rights of every kind, and all other tribal assets not susceptible to equitable and practicable distribution, all of which shall remain subject to the terms of this Act, notwithstanding anything herein contained to the contrary.

(b) Prior to the removal of restrictions in accordance with the provisions of subsection (a) hereof on land owned by more than one person, the Secretary may—

Partition.

(1) upon request of any of the owners, partition the land and issue to each owner an unrestricted patent or deed for his individual share, unless such owner is a full-blood member of the tribe or other Indian who owns trust or restricted property, in which event a trust patent or restricted deed shall be issued and such trust may be terminated or such restrictions may be removed when the Secretary determines that the need therefor no longer exists;

Sale.

(2) upon request of any of the owners and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold at not less than the appraised value thereof and distribute the proceeds of sale to the owners: *Provided*, That before a sale any one or more of the owners may elect to purchase the other interests in the land, or the tribe may elect to purchase the entire interest in the land, at not less than the appraised value thereof.

Taxes.

SEC. 17. No distribution of the assets made under the provisions of this Act shall be subject to any Federal or State income tax: *Provided*, That so much of any cash distribution made hereunder as consists of a share of any interest earned on funds deposited in the Treasury of the United States shall not by virtue of this Act be exempt from individual income tax in the hands of the recipients for the year in which paid. Property distributed to the mixed-blood group pursuant to the terms of this Act shall be exempt from property taxes for a period of seven years from the date of enactment of this Act, unless the original distributee parts with title thereto, either by deed, descent, succession, foreclosure of mortgage, sheriff's sale or other conveyance: *Provided*,

That the mortgaging, hypothecation, granting of a right-of-way, or other similar encumbrance of said property shall not be construed as a conveyance subjecting said property to taxation under the provisions of this section. After seven years from the date of enactment of this Act, all property distributed to the mixed-blood members of the tribe under the provisions of this Act, and all income derived therefrom by the individual, corporation, or other legal entity, shall be subject to the same taxes, State and Federal, as in the case of non-Indians; except that any valuation for purposes of Federal income tax on gains or losses shall take as the basis of the particular taxpayer the value of the property on the date title is transferred by the United States pursuant to this Act.

SEC. 18. The laws of the United States with respect to probate of wills, determination of heirship, and the administration of estates shall apply to the individual trust property of mixed-blood members of the tribe until Federal supervision is terminated. Thereafter, the laws of the several States, Territories, possessions, and the District of Columbia within which such mixed-blood members reside at the time of their death shall apply.

SEC. 19. Nothing in this Act shall affect any claim heretofore filed against the United States by the tribe, or the individual bands comprising the tribe.

SEC. 20. Nothing in this Act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved.

SEC. 21. Nothing in this Act shall abrogate any water rights of the tribe or its members.

SEC. 22. For the purposes of this Act, the Secretary shall protect the rights of members of the tribe who are minors, non compos mentis, or, in the opinion of the Secretary, in need of assistance in conducting their affairs, by such means as he may deem adequate, but appointment of guardians pursuant to State laws, in any case, shall not be required until Federal supervision has terminated.

SEC. 23. Upon removal of Federal restrictions on the property of each individual mixed-blood member of the tribe, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to such individual is terminated. Thereafter, such individual shall not be entitled to any of the services performed for Indians because of his status as an Indian. All statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to such member over which supervision has been terminated, and the laws of the several States shall apply to such member in the same manner as they apply to other citizens within their jurisdiction.

SEC. 24. Within three months after the date of enactment of this Act, the business committee of the tribe representing the full-blood group thereof shall present to the Secretary a development program calculated to assist in making the tribe and the members thereof self-supporting, without any special Government assistance, with a view of eventually terminating all Federal supervision of the tribe and its members. The tribal business committee, representing the full-blood group shall, through the Secretary of the Interior, make a full and complete annual progress report to the Congress of its activities, and of the expenditures authorized under this Act.

SEC. 25. Nothing in this Act shall affect the status of the members of the tribe as citizens of the United States.

SEC. 26. The Secretary shall have authority to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments, as may be necessary or appropriate to carry out the provisions

Probation of
wills, etc.

Claims.

Leases, permits,
etc.

Water rights.

Guardians for
minors, etc.

Federal trust ter-
mination proclama-
tion.
Publication in
FR.

Development
program.

Report to Con-
gress.

Citizenship
status.

Patents, deeds,
etc.

Rules and regu-
lations.

Agreements.

Separability.

of this Act, or to establish a marketable and recordable title to any property disposed of pursuant to this Act.

SEC. 27. The Secretary is authorized to issue rules and regulations necessary to effectuate the purposes of this Act, and may, in his discretion, provide for tribal or group referenda on matters pertaining to management or disposition of tribal or group assets.

SEC. 28. Whenever any action pursuant to the provisions of this Act requires the agreement of the mixed-blood and full-blood groups and such agreement cannot be reached, the Secretary is authorized to proceed in any manner deemed by him to be in the best interests of both groups.

SEC. 29. All Acts, or parts of Acts, inconsistent with this Act are hereby repealed insofar as they affect the tribe or its members.

SEC. 30. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Approved August 27, 1954.

Public Law 672

CHAPTER 1010

August 27, 1954
[H. R. 1843]

AN ACT

To increase the retired pay of certain members of the former Lighthouse Service.

Lighthouse Serv-
ice.
Retired pay.
40 Stat. 608.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual rate of retired pay received by any person who was retired on or before June 30, 1953, under section 6 of the Act of June 20, 1918, as amended and supplemented (33 U. S. C., secs. 763-765), shall be increased, effective on the first day of the calendar month following enactment of this Act, by 15 per centum or \$264, whichever is the lesser: *Provided*, That no retired pay shall be increased to an amount in excess of \$2,160 by reason of this Act: *And provided further*, That the increases provided herein shall terminate, without subsequent resumption, on June 30, 1955.

Approved August 27, 1954.

Public Law 673

CHAPTER 1011

August 27, 1954
[H. R. 3419]

AN ACT

To authorize a \$50 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation.

Chippewa Indi-
ans.
Per capita pay-
ment to Red Lake
Band.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to withdraw as much as may be necessary from the fund on deposit in the Treasury of the United States arising from the proceeds of the sale of timber and lumber within the Red Lake Reservation in Minnesota, according to the provisions of the Act of May 18, 1916 (39 Stat. 137), to the credit of the Red Lake Indians in Minnesota, and to pay therefrom \$50 to each member of the Red Lake Band of Chippewa Indians of Minnesota who is living at the date of enactment of this Act. Such payment shall be made in two installments of \$25 each, the first to be made within thirty days of ratification by the Red Lake Band of Chippewa Indians of Minnesota as provided for in section 2 of this Act, the second installment ninety days thereafter, and under such other rules and regulations as the Secretary of the Interior may prescribe.

SEC. 2. No money paid to Indians under this Act shall be subject to any lien or claim of attorneys or other persons. Before any payment is made under this Act, the Red Lake Band of Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify and accept the provisions of this Act.

SEC. 3. Payments made under this Act shall not be held to be "other income and resources" as that term is used in sections 2 (a) (7), 402 (a) (7), and 1002 (a) (8) of the Social Security Act, as amended (U. S. C., 1946 edition, title 42, secs. 302 (a) (7), 602 (a) (7), and 1202 (a) (8)).

Approved August 27, 1954.

49 Stat. 620, 627.
64 Stat. 553.

Public Law 674

CHAPTER 1012

AN ACT

To authorize works for development and furnishing of water supplies for waterfowl management, Central Valley project, California, and for other purposes.

August 27, 1954
[H. R. 4213]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the entire Central Valley project, California, heretofore authorized under the Act of August 26, 1937 (50 Stat. 844, 850), and reauthorized under the Act of October 17, 1940 (54 Stat. 1198, 1199), the Act of October 14, 1949 (63 Stat. 852), and the Act of September 26, 1950 (64 Stat. 1036), is hereby reauthorized and declared to be for the purposes set forth in said Acts, and also for the use of the waters thereof for fish and wildlife purposes, subject to such priorities as are applicable under said Acts.

Central Valley
project, Calif.
Reauthorization.

SEC. 2. The Secretary of the Interior is authorized to construct, operate, and maintain such works on waterfowl management areas and refuges owned and operated by the State of California or the United States as may be necessary or desirable for the development of a water supply by means of wells and the recovery of drainage, and to furnish water available from such works, and water available from Central Valley project sources, for wildlife management purposes substantially in accordance with the recommendations set forth in the report of the United States Department of the Interior entitled "Waterfowl Conservation in the Lower San Joaquin Valley, Its Relation to the Grasslands and the Central Valley Project," dated October 1950, and such works should be developed in cooperation with the State of California.

Water supply de-
velopment works.

SEC. 3. The cost of investigation, planning, and construction of the works and the delivery of water as authorized in section 2 of this Act shall not be reimbursable or returnable under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and the Acts amendatory thereof and supplementary thereto).

43 USC 371.

SEC. 4. There are hereby authorized to be appropriated such funds, not to exceed \$400,000, for construction of necessary works to supply water for State and federally owned and operated waterfowl management areas in the San Joaquin Valley to carry out the purposes of this Act.

Appropriation.

SEC. 5. Works constructed under the authorization of section 2, for the purpose of supplying State wildlife management areas with water, shall become the property of the State of California when constructed.

Ownership.

SEC. 6. The Secretary of the Interior is authorized to contract for the delivery of water to public organizations or agencies for use within the boundaries of such organizations or agencies for water-

Water contracts.

fowl purposes in the Grasslands area of the San Joaquin Valley. If and when available, such water shall be delivered from the Central Valley project at a charge not to exceed the prevailing charge for class 2 water.

California law.

SEC. 7. The use of all water furnished by the Secretary of the Interior under section 2 and section 6 of this Act shall be subject to and not inconsistent with the laws of the State of California relating to priorities of deliveries and use of water. Nothing contained in this Act shall be construed as an allocation of water.

Approved August 27, 1954.

Public Law 675

CHAPTER 1013

August 27, 1954
[H. R. 4690]

AN ACT

To provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior and the Secretary of the Army shall set aside, when available, suitable plots in the national cemeteries under their jurisdiction to honor the memory of members of the Armed Forces missing in action, and shall, under regulations to be jointly prescribed by them, permit the erection of appropriate markers thereon in honor of any such member or group of members.

Approved August 27, 1954.

Public Law 676

CHAPTER 1014

August 27, 1954
[H. R. 6223]

AN ACT

To amend section 87 of the National Defense Act of June 3, 1916, as amended (32 U. S. C. 47), to relieve the States from accountability and pecuniary liability for property lost, damaged, or destroyed except in cases where it shall appear that the loss, damage, or destruction of the property was due to carelessness or negligence or could have been avoided by the exercise of reasonable care.

National Guard.
39 Stat. 204.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 87 of the National Defense Act of June 3, 1916, as amended (32 U. S. C. 47), is amended to read as follows:

"DISPOSITION AND REPLACEMENT OF DAMAGED PROPERTY, AND SO FORTH

"SEC. 87. All military property issued to the National Guard and Air National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard or Air National Guard in any State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia shall have been lost, damaged, or destroyed, or become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the United States Army, United States Air Force, or the National Guard or Air National Guard detailed by the appropriate Secretary, and the report of such surveying officer shall be forwarded to the appropriate Secretary or to such officer as he shall designate to receive such reports. The appropriate Secretary or his designated representative is hereby authorized to relieve the State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia from further accountability and pecuniary liability for

such property in any case except where it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, in which case the money value of such property shall be charged to the accountable State, Territory, the Commonwealth of Puerto Rico, or District of Columbia to be paid from State, Territory, Commonwealth, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the appropriate Secretary or his designated representative shall direct what disposition by sale or otherwise shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, the Commonwealth of Puerto Rico or the District of Columbia to reimburse the Government for the loss, damage, or destruction of any property, shall be deposited in the Treasury of the United States: *Provided*, That if any State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia shall neglect or refuse to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia by the appropriate Secretary after survey by a disinterested officer appointed as hereinbefore provided, the appropriate Secretary is hereby authorized to debar such State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia from further participation in any and all appropriations for the National Guard or Air National Guard, as appropriate, until such payment shall have been made: *Provided further*, That property issued to the National Guard and Air National Guard and which has become unserviceable through fair wear and tear in service, may, after inspection thereof and finding to that effect made by an officer of the Army of the United States, Air Force of the United States, or the National Guard or Air National Guard detailed by the appropriate Secretary, be sold or otherwise disposed of, and the State, Territory, the Commonwealth of Puerto Rico, or the District of Columbia accountable shall be relieved from further accountability therefor; such inspection, and sale or other disposition, to be made under regulations prescribed by the appropriate Secretary, and to constitute as to such property a discretionary substitute for the examination, report, and disposition provided for elsewhere in this section."

Approved August 27, 1954.

Public Law 677

CHAPTER 1015

AN ACT

To provide for the conveyance of certain lands by the United States to the county of Cumberland, State of North Carolina, without remuneration.

August 27, 1954
[H. R. 6658]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey by deed to the county of Cumberland, State of North Carolina, without remuneration, all the right, title, and interest of the United States in and to that tract of land situated in Carvers Creek Township, Cumberland County, North Carolina, described in the plat prepared by D. A. Buie in July 1953 containing fifty-seven and eight-tenths acres, more or less, and more particularly described as follows:

Cumberland
County, N. C.
Conveyance.

Beginning at a stake on the bank of the Cape Fear River, the same being the southeast corner of the tract of which this is a part, and running thence with the southern line of the said tract, south eighty-eight degrees no minutes two thousand two hundred and ninety-seven feet to a stake in the old canal; thence with the said old canal north twenty-five degrees forty-one minutes east one thousand six hundred and fourteen feet to a stake in said canal, also in the northern line of the tract of which this is a part; thence with the northern line of said tract south seventy-eight degrees fifty-five minutes east one thousand six hundred and forty-three feet to a stake on the bank of the Cape Fear River, the northeast corner of the tract of which this is a part; thence with the Cape Fear River, a calculated course, south thirty minutes east one thousand one hundred and twenty-two feet to the beginning, containing fifty-seven and eight-tenths acres more or less, being the eastern part of a tract of land described in a deed from Alexander E. Cook and wife, Frances W. Cook, to the United States of America, dated December 31, 1938, recorded in Book 409, page 300, in the office of the Register of Deeds for Cumberland County, North Carolina.

SEC. 2. The property herein described shall not be used for any purpose which is detrimental to the Veterans' Administration for a period of twenty years.

Approved August 27, 1954.

Public Law 678

CHAPTER 1016

AN ACT

August 27, 1954
[H. R. 8155]

To continue until the close of June 30, 1955, the suspension of duties and import taxes on metal scrap, and for other purposes.

Metal scrap.

67 Stat. 487,
19 USC 1001,
par. 301 note.

65 Stat. 44,
26 USC 3425
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act of September 30, 1950 (Public Law 869, Eighty-first Congress), is hereby amended by striking out "June 30, 1954" and inserting in lieu thereof "June 30, 1955": *Provided*, That this Act shall not apply to lead scrap or zinc scrap (other than zinc scrap purchased under a written contract entered into before July 1, 1954).

SEC. 2. The amendment made by the first section of this Act shall not be construed to affect in any way the application of Public Law 38, Eighty-second Congress, to copper scrap.

Approved August 27, 1954.

Public Law 679

CHAPTER 1017

AN ACT

August 27, 1954
[H. R. 8634]

To amend section 22 of the Organic Act of Guam.

Guam.
District Court
procedure.
48 USC 1424.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 22 of the Organic Act of Guam (64 Stat. 389), is amended by striking out the period at the end of such subsection and inserting in lieu thereof the following: "; except that no provisions of any such rules which authorize or require trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam, and except

further that the terms 'attorney for the government' and 'United States attorney', as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of Guam, mean the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein."

SEC. 2. The amendment made by section 1 shall be deemed to be in effect as of August 1, 1950.

SEC. 3. No conviction of a defendant in a criminal proceeding in the District Court of Guam heretofore had shall be reversed or set aside on the ground that the defendant was not indicted by a grand jury or tried by a petit jury.

SEC. 4. If any particular provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Approved August 27, 1954.

Definitions.

Effective date.

Nonreversal of prior conviction.

Separability.

Public Law 680

CHAPTER 1018

AN ACT

To protect the rights of vessels of the United States on the high seas and in territorial waters of foreign countries.

August 27, 1954
[H. R. 9584]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act the term "vessel of the United States" shall mean any private vessel documented or certificated under the laws of the United States.

SEC. 2. In any case where—

(a) a vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States; and

(b) there is no dispute of material facts with respect to the location or activity of such vessel at the time of such seizure, the Secretary of State shall as soon as practicable take such action as he deems appropriate to attend to the welfare of such vessel and its crew while it is held by such country and to secure the release of such vessel and crew.

Seizure of U. S. vessels on high seas, etc.

Action by Secretary of State.

SEC. 3. In any case where a vessel of the United States is seized by a foreign country under the conditions of section 2 and a fine must be paid in order to secure the prompt release of the vessel and crew, the owners of the vessel shall be reimbursed by the Secretary of the Treasury in the amount certified to him by the Secretary of State as being the amount of the fine actually paid.

SEC. 4. The provisions of this Act shall not apply with respect to a seizure made by a country at war with the United States or a seizure made in accordance with the provisions of any fishery convention or treaty to which the United States is a party.

Nonapplicability.

SEC. 5. The Secretary of State shall take such action as he may deem appropriate to make and collect on claims against a foreign country for amounts expended by the United States under the provisions of this Act because of the seizure of a United States vessel by such country.

SEC. 6. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

Appropriation.

Approved August 27, 1954.

Public Law 681

CHAPTER 1032

AN ACT

August 28, 1954
[H. R. 6127]

To amend the Act entitled "An Act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes", approved May 1, 1906, as amended, and for other purposes.

D. C. insanitary
buildings.

Investigation.

Board for the
condemnation of
insanitary build-
ings.

Condemnation
Review Board.

Quorum.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes", approved May 1, 1906 (34 Stat. 157; title 5, ch. 6, D. C. Code, 1951 edition), as amended, is amended to read as follows:

"That the Commissioners of the District of Columbia are authorized to examine into the sanitary condition of all buildings in said District, to condemn those buildings which are in such insanitary condition as to endanger the health or lives of the occupants thereof or persons living in the vicinity, and to cause all buildings to be put into sanitary condition or to be demolished and removed, as may be required by the provisions of this Act. The Commissioners may authorize and direct the performance of the duties imposed on them by this Act by such officers, agents, employees, contractors, employees of contractors, and other persons as may be designated, detailed, employed, or appointed by the said Commissioners to carry out the purposes of this Act. The Commissioners or their designated agent or agents are authorized to investigate, through personal inquiry and inspection, into the sanitary condition of any building or part of a building in said District, except such as are under the exclusive jurisdiction of the United States. The Commissioners, and all persons acting under their authority and the authority contained in this Act, may, between the hours of 8 o'clock antemeridian and 5 o'clock postmeridian, peaceably enter into and upon any and all lands and buildings in said District for the purpose of inspecting the same.

"SEC. 2. (a) The Commissioners are directed to appoint or designate two separate boards, each to consist of not less than three members, to perform the duties and functions required by this Act, as follows:

"(1) A Board for the Condemnation of Insanitary Buildings to examine into the sanitary condition of buildings in the District of Columbia, to determine which such buildings are in such insanitary condition as to endanger the lives or health of the occupants thereof or of persons living in the vicinity, and to issue appropriate orders of condemnation requiring the correction of such condition or conditions or to require the demolition of any building, in accordance with the provisions of this Act.

"(2) A Condemnation Review Board, no member of which shall act as a member of the Board for the Condemnation of Insanitary Buildings, to review, upon written request, any order of condemnation issued by the Board for the Condemnation of Insanitary Buildings, and to affirm, modify, or vacate such order of condemnation if the Condemnation Review Board shall find that the sanitary condition of the building under examination requires the affirmation, modification, or vacation of such order of condemnation. The Condemnation Review Board shall consist of at least three members and an alternate member for each of said members, at least two-thirds of such members and at least two-thirds of such alternate members to be residents of the District of Columbia and to be selected from among the persons designated under subsection (c) of this section, and not more than one-third of such members and one-third of such alternate members may be employed by the government of the District of Columbia.

"(b) A majority of the members of each of the boards established

by subsection (a) of this section shall constitute a quorum, and a majority vote of the members present shall be required in connection with any act of either of the said boards. No person shall act as a member of either of the said boards who has any property interest, direct or indirect, in his own right or through relatives or kin, in the building the sanitary condition of which is under consideration.

“(c) The Commissioners shall designate a number of real property owning residents of the District of Columbia, not employed by the government of the District of Columbia or the Government of the United States, each of whom from time to time shall be designated by the Commissioners to act as a member or an alternate member of the Condemnation Review Board established under the authority of subsection (a) of this section. Each such person shall be entitled to a fee of \$25 for each day he is actually engaged in discharging his duties as a member of said Board, or as an alternate member acting in the place of a member.

Requirement for membership.

Pay.

“(d) The several provisions of sections 1, 2, and 3 of the Act approved April 16, 1932 (47 Stat. 86; secs. 4-601 to 4-603, D. C. Code, 1951 edition), shall be applicable to and enforceable in any proceeding conducted under the authority of this Act. Each person acting as a member of either of the boards required to be established by this section, and each alternate member when acting in the stead of the member for whom he is alternate, is hereby authorized to administer oaths to witnesses summoned in any proceeding conducted by either of the said boards. Any fee which may be paid any witness summoned to appear before either of the said boards shall be assessed as a tax against the property the condition of which is under investigation; such tax to be collected in the same manner as general taxes are collected in the District of Columbia: *Provided*, That whenever any order of condemnation is vacated or set aside, either by the Condemnation Review Board or by a court, the witness fee authorized by this subsection to be assessed against the property affected by such order of condemnation shall not be so assessed, but shall be paid by the Government of the District of Columbia.

“SEC. 3. Whenever the Board for the Condemnation of Insanitary Buildings shall find that any building or part of building is in such insanitary condition as to endanger the health or lives of the occupants thereof or persons living in the vicinity, the owner of such building shall be served with a notice requiring him to show cause, within a time to be specified in such notice, why such building or part of building should not be condemned. The time to be fixed in such notice shall not be less than ten days, exclusive of Sundays and legal holidays, after the date of service of said notice, unless the Board shall find that the insanitary condition of such building or part of building is such as to cause immediate danger to the health or lives of the occupants thereof or of persons living in the vicinity, in which case a lesser time may be specified in said notice. If within the time to show cause fixed by the Board, the owner shall fail to show cause sufficient in the opinion of the Board to prevent the condemnation of such building or part of building, the Board shall issue an order condemning such building or part of building and ordering the same to be put into sanitary condition or to be demolished and removed within a time to be specified in said order of condemnation, and shall cause a copy of such order to be served on the owner and a copy to be affixed to the building or part of building condemned. The Board shall give the owner reasonable time within which to put the building in sanitary condition, but such time shall be not less than six months after the date of service of said order on said owner, unless the Board shall find that the condition of said premises is such as to cause immediate

Condemnation procedure.

Order.

danger to the health or lives of the occupants thereof or of persons living in the vicinity, in which event the Board may fix a lesser time. From and after fifteen days, exclusive of Sundays or legal holidays, or within such additional time as may be fixed by the Board, after a copy of any order of condemnation has been affixed to any condemned building or part of building, no person shall occupy such building or part of building.

Occupancy after
condemnation.

"SEC. 4. No person having authority to prevent shall permit any building or part of building condemned to be occupied, except as specially authorized by the Board for the Condemnation of Insanitary Buildings under the authority contained in this Act, after fifteen days, exclusive of Sundays and legal holidays, or within such additional time as may be fixed by the Board, from and after the date of service of a copy of the order of condemnation on the owner of such building; or, if a copy of such order of condemnation has been affixed to the condemned building or part of building at a date subsequent to the date of service of the notice on the owner, after fifteen days, exclusive of Sundays and legal holidays, or within such additional time as may be fixed by the Board, from the date on which said copy of such order of condemnation was so affixed.

Repairs or dem-
olition.

"SEC. 5. The owner of any building or part of building condemned under the provisions of this Act shall, within the time specified by the Board for the Condemnation of Insanitary Buildings in the order of condemnation, or any extension of time which may be granted by the Board, (1) make such changes or repairs as will remedy the conditions which led to the condemnation of such building or part of building, or (2) cause such building or part of building to be demolished and removed: *Provided*, That any owner repairing a building or part of building in accordance with the provisions of this Act shall be required to make only those repairs which are reasonably related to a correction of the insanitary condition or conditions found by said Board to exist in or about said building, and nothing in this Act shall be construed as authorizing the Board to require any repair not reasonably related to the correction of any insanitary condition in or about such building, or to require such building to be brought fully into conformity with the District of Columbia Building Code or other building regulations in effect at the time such repairs are made. Whenever any building is repaired or demolished in accordance with the requirements of this section, such repair or demolition shall be performed in such manner and under the authority of such permit as may be required by any applicable law or regulation.

Cancellation of
condemnation
order.

"SEC. 6. If the owner of any building or part of building condemned under the provisions of this Act shall make such changes or repairs as will remedy in a manner satisfactory to the Board for the Condemnation of Insanitary Buildings the conditions which led to the condemnation of such building or part of building, the order of condemnation shall be canceled and the building may again be occupied. If the owner cannot make such changes or repairs within the period within which the owner may lawfully permit such building or part of building to be occupied under section 4 of this Act, but proceeds with such changes or repairs with reasonable diligence during such period, said Board may, by special order, extend from time to time the period within which the occupants of said building or part of building may remain therein, and within which the owner of such building may permit the said occupants so to remain.

Violation of
order.

"SEC. 7. If the owner of any building or part of building condemned under the provisions of this Act shall fail to remedy in a manner satisfactory to the Board for the Condemnation of Insanitary Buildings the condition or conditions which led to the condemnation thereof,

by failing to cause such building or part of building to be put into sanitary condition or to be demolished and removed within the time specified by said Board in the order of condemnation or any extension thereof, he shall be deemed guilty of a misdemeanor and be liable to the penalties provided by section 16 of this Act, and such building or part of building may be put into sanitary condition or be demolished and removed under the direction of said Board, and the cost of such repairs or such demolition and removal, including the cost of making good damage to adjoining premises (except such as may have resulted from carelessness or willful recklessness in the demolition or removal of such building), and the cost of publication, if any, herein provided for, less the amount, if any, received from the sale of the old material, shall be assessed by the Commissioners of the District of Columbia as a tax against the premises on which such building or part of building was situated, such tax to be collected in the same manner as general taxes are collected in the District of Columbia: *Provided*, That the pendency of any review or appeal provided for by sections 13 and 14 of this Act shall stay the operation of any order issued by said Board, unless said Board shall find that the condition of said premises is such as to cause immediate danger to the health or lives of the occupants thereof or of persons living in the vicinity.

"SEC. 8. Whenever the Board for the Condemnation of Insanitary Buildings is in doubt as to the ownership of any building or part of a building, the condemnation of which is contemplated, because the title thereto is in litigation, said Board may notify all parties to the suit and may report the circumstances to the Commissioners of the District of Columbia, who may bring such circumstances to the attention of the court in which such litigation is pending for the purpose of securing such order or decree as will enable said Board to continue such condemnation proceedings, and such court is hereby authorized to make such decrees and orders in such pending suit as may be necessary for that purpose.

Property in litigation.

"SEC. 9. Whenever the title to any building or part of building is vested in a person non compos mentis, or a minor child or minor children without legal guardian, the Board for the Condemnation of Insanitary Buildings shall report that fact to the Commissioners of the District of Columbia, who shall take due legal steps to secure the appointment of a guardian or guardians for such person non compos mentis, or minor child or children aforesaid, for the purpose of the condemnation proceedings authorized by this Act, and any judge of the United States District Court for the District of Columbia is hereby authorized to appoint a guardian or guardians for such purpose.

Appointment of guardian for minors, etc.

"SEC. 10. Any notice required by this Act to be served shall be deemed to have been served if delivered to the person to be notified, or if left at the usual residence or place of business of the person to be notified, with a person of suitable age and discretion then resident therein; or if no such residence or place of business can be found in the District of Columbia by reasonable search, if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or if no such office can be found in said District by reasonable search, if forwarded by registered mail to the last known address of the person to be notified and not returned by the post office authorities; or if no address be known or can be ascertained by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post office authorities, if published on three consecutive days in a daily newspaper published

Service of notice.

in the District of Columbia; or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided. Any notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and notice to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

**Interference.
Prohibition.**

"SEC. 11. No person shall interfere with the Commissioners or with any person acting under authority and by direction of said Commissioners in the discharge of his lawful duties, nor hinder, prevent, or refuse to permit any lawful inspection or the performance of any work authorized by this Act to be done by or by authority and direction of said Commissioners.

**Destruction of
affixed notice.
Prohibition.**

"SEC. 12. No person shall, without the consent of the Board for the Condemnation of Insanitary Buildings, deface, obliterate, remove, or conceal any copy of any order of condemnation which has been affixed to any building or part of building by order of the said Board; and the owner and the person having custody of any building or part of building to which a copy or copies of any such order has been affixed shall, if said copy of said order has been to his knowledge defaced, obliterated, or removed, forthwith report that fact in writing to the Board (unless he has good reason to believe that such copy of such an order has been removed by authority of the Board), and if such copy of such order has been concealed, he shall forthwith expose the same to view.

Review of order.

"SEC. 13. Any owner of property affected by an order of condemnation issued under the authority contained in this Act shall be entitled to a review of such order by the Condemnation Review Board established by the Commissioners in accordance with the provisions of section 2 of this Act, upon making application to said Condemnation Review Board, in writing, within fifteen days from the date on which such owner has been served notice of such order of condemnation, and upon payment of a fee of \$25. The said Condemnation Review Board shall be authorized by the Commissioners to affirm, modify, or vacate any order of condemnation issued under the authority contained in this Act.

Appeal.

"SEC. 14. The owner of any building or part of building condemned under the provisions of this Act may, within fifteen days from the date on which such owner receives notice that such order of condemnation has been reviewed by the Condemnation Review Board established in accordance with section 2 of this Act and has been affirmed or modified by such Board, appeal to the Municipal Court for the District of Columbia for the modification or vacation of said order of condemnation. The municipal court shall give precedence to any such case, shall hear the testimony adduced therein, shall view the building or part of building affected by said order of condemnation, and thereafter shall affirm, modify, or vacate said order. In any proceeding instituted in accordance with the provisions of this subsection, such proceeding shall be conducted by the judge only, and nothing herein contained shall be construed as authorizing or entitling the owner of property affected by such order of condemnation to a trial by jury.

"SEC. 15. Whenever any insanitary condition which has led to the condemnation of a building or part of building has been caused in any part by the action or by the neglect of the tenant or tenants, occupant or occupants thereof, such tenant, tenants, occupant, or occupants shall be guilty of a misdemeanor and be liable to the penalties provided in section 16 of this Act.

Violation.

"SEC. 16. Any person violating or aiding or abetting in violating sections 3, 4, 5, 7, 11, 12, or 15 of this Act shall, upon conviction thereof in the Municipal Court for the District of Columbia, upon information filed in the name of said District, be punished by a fine of not more than \$100 or by imprisonment for not more than ninety days; and each day on which such unlawful act is done or during which such unlawful negligence continues shall constitute a separate and distinct offense.

Penalty.

"SEC. 17. Except as herein otherwise authorized all expenses incident to the enforcement of this Act shall be paid from appropriations made from time to time for that purpose in like manner as other appropriations for the expenses of the District of Columbia.

Expenses.

"SEC. 18. (a) For the purposes of this Act, the term 'Commissioners' shall mean the Commissioners of the District of Columbia or their designated agent or agents; and the term 'owner' shall mean (1) any person, or any one of a number of persons, in whom is vested all or any part of the beneficial ownership, dominion, or title of the property found by the Commissioners to be in an insanitary condition; (2) the committee, conservator, or legal guardian of an owner who is non compos mentis, a minor child, or otherwise under a disability; or (3) a trustee elected or appointed, or required by law, to execute a trust, other than a trustee under a deed of trust to secure the repayment of a loan.

Definitions.

"(b) Wherever under this Act any act is to be performed by, or any notice is to be given, an owner, such act may be performed by an agent of such owner, or such notice may be given to an agent of such owner who collects rent or otherwise acts as an agent for the owner in connection with said property.

Owner's agent.

"SEC. 19. (a) All suits and proceedings instituted by or against the Board for the Condemnation of Insanitary Buildings in the District of Columbia created by the first section of the Act approved May 1, 1906, supra, or the Board for the Condemnation of Insanitary Buildings established by the Commissioners under the authority of Reorganization Plan Numbered 5 of 1952, prior to the effective date of this amendatory Act, shall be deemed to have been taken by, or instituted by or against, the Commissioners of the District of Columbia.

Saving clause.

"(b) With respect to any building or part of building condemned by either of the Boards aforesaid prior to the effective date of this amendatory Act, and which building or part of building stands condemned as of the effective date of this amendatory Act, the six-month period provided by section 3 of this amendatory Act shall commence running from the effective date of this amendatory Act.

66 Stat. 824.
D. C. C o d e
1-app.

"(c) Wherever any provision of this Act refers to any order of the Board for the Condemnation of Insanitary Buildings, such provision shall mean the order of such Board, or, if such order be reviewed by the Condemnation Review Board, as such order has been affirmed or modified by the latter Board; and wherever this Act establishes any time limit within which there shall be compliance with an order of the Board for the Condemnation of Insanitary Buildings, such time limit shall begin running from the date on which the owner of the property affected by said order is served with notice thereof, or, if such order be reviewed by the Condemnation Review Board,

Time limits.

from the date on which the owner of such property receives notice that such order has been affirmed or modified by the latter Board.

Effective date.

"SEC. 20. This Act shall take effect thirty days after its approval."
Approved August 28, 1954.

Public Law 682

CHAPTER 1033

August 28, 1954
[H. R. 1975]

AN ACT

To amend section 2201 of title 28, United States Code, to extend the Federal Declaratory Judgments Act to the Territory of Alaska.

Alaska.
Federal Declar-
atory Judgments
Act.
62 Stat. 964.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2201 of title 28, United States Code, is amended by inserting after the words "any court in the United States" the words "and the District Court for the Territory of Alaska", so that the sentence will read as follows:

"§ 2201. Creation of remedy

"In a case of actual controversy within its jurisdiction, except with respect to Federal taxes, any court of the United States and the District Court for the Territory of Alaska, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought."

Approved August 28, 1954.

Public Law 683

CHAPTER 1034

August 28, 1954
[H. R. 4721]

AN ACT

To provide that the excess-land provisions of the Federal reclamation laws shall not apply to lands in the Owl Creek unit of the Missouri Basin project.

43 USC 423e.

58 Stat. 891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the excess-land provisions of the Federal reclamation laws shall not apply to lands in the Owl Creek unit of the Missouri Basin project, authorized in section 9 (a) of Public Law 534, Seventy-eighth Congress, approved December 22, 1944 (58 Stat. 887).

Approved August 28, 1954.

Public Law 684

CHAPTER 1035

August 28, 1954
[H. R. 5718]

AN ACT

To limit the period for collection by the United States of compensation received by officers and employees in violation of the dual compensation laws.

Federal em-
ployees.
Dual compensa-
tion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby waives all claims against any person arising out of the receipt by such person of compensation from the United States including Government owned or controlled corporations or from the government of the District of Columbia in violation of any provision of law prohibiting or restricting the receipt of dual compensation, which has not been reported to the General Accounting Office for collection within six years from the last date of any period of dual compensation.

Approved August 28, 1954.

Public Law 685

CHAPTER 1036

AN ACT

To incorporate the National Fund for Medical Education.

August 28, 1954
[S. 1748]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons: Donald C. Balfour, M. D., Rochester, Minnesota; Louis H. Bauer, M. D., Hempstead, New York; Margaret Culkin Banning, Duluth, Minnesota; E. N. Beesley, Indianapolis, Indiana; James F. Bell, Minneapolis, Minnesota; Elmer H. Bobst, New York, New York; Earl Bunting, Washington, District of Columbia; Carl Byoir, New York, New York; James L. Camp, Junior, Franklin, Virginia; Champ Carry, Chicago, Illinois; Robert S. Cheek, Nashville, Tennessee; Colby M. Chester, New York, New York; Frank A. Christensen, New York, New York; Paul F. Clark, Boston, Massachusetts; Lucius D. Clay, New York, New York; S. Sloan Colt, Westhampton Beach, New York; George H. Coppers, New York, New York; William E. Cotter, Scarsdale, New York; C. R. Cox, New York, New York; Howard S. Cullman, New York, New York; Walter J. Cummings, Chicago, Illinois; Willard K. Denton, New York, New York; Raoul E. Desvernine, Washington, District of Columbia; Michael Francis Doyle, Philadelphia, Pennsylvania;

National Fund
for Medical Educa-
tion.
Incorporation.

Victor Emanuel, New York, New York; Peter M. Fraser, Hartford, Connecticut; Bernard F. Gimbel, Greenwich, Connecticut; William B. Given, Junior, New York, New York; Robert M. Hanes, Winston-Salem, North Carolina; David M. Heyman, New York, New York; Oveta Culp Hobby, Houston, Texas; Herbert Hoover, New York, New York; B. Brewster Jennings, Glen Head, New York; Eric A. Johnston, Washington, District of Columbia; Devereux C. Josephs, New York, New York; Meyer Kestnbaum, Chicago, Illinois; Edgar Kobak, New York, New York; Allan B. Kline, Chicago, Illinois; Robert Lehman, New York, New York; Samuel D. Leidesdorf, New York, New York; Leroy A. Lincoln, New York, New York; Ralph Lowell, Boston, Massachusetts; Benjamin E. Mays, Atlanta, Georgia; Neil McElroy, Cincinnati, Ohio; George W. Merck, West Orange, New Jersey; Don G. Mitchell, New York, New York; George G. Montgomery, San Francisco, California; Seeley G. Mudd, M. D., Los Angeles, California;

Charles S. Munson, New York, New York; Herschel D. Newsom, Washington, District of Columbia; Edward J. Noble, New York, New York; William S. Paley, New York, New York; Thomas I. Parkinson, New York, New York; F. D. Patterson, Tuskegee, Alabama; Joseph M. Proskauer, New York, New York; B. Earl Puckett, New York, New York; Victor F. Ridder, New York, New York; Owen J. Roberts, Philadelphia, Pennsylvania; Winthrop Rockefeller, Little Rock, Arkansas; Anna M. Rosenberg, New York, New York; T. J. Ross, New York, New York; Howard A. Rusk, M. D., New York, New York; Frank P. Samford, Birmingham, Alabama; Lester N. Selig, Chicago, Illinois; Eustace Seligman, New York, New York; Spyros P. Skouras, New York, New York; Alfred P. Sloan, Junior, New York, New York; George F. Smith, New Brunswick, New Jersey; Harold V. Smith, New York, New York; Harold E. Stassen, Washington, District of Columbia; John P. Stevens, Junior, New York, New York; William C. Stolk, New York, New York; Harvey B. Stone, M. D. Baltimore, Maryland;

Reese H. Taylor, Los Angeles, California; Juan T. Trippe, Greenwich, Connecticut; Thomas J. Watson, New York, New York; Ernest T. Weir, Pittsburgh, Pennsylvania; George Whitney, New York, New York; Robert E. Wilson, Chicago, Illinois; R. W. Woodruff, Atlanta, Georgia; Wilson W. Wyatt, Louisville, Kentucky; J. D. Zellerbach, San Francisco, California; and John S. Zinsser, Philadelphia, Penn-

sylvania; and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the National Fund for Medical Education (hereinafter referred to as the corporation) and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

PURPOSES OF THE CORPORATION

SEC. 3. The purposes of the corporation shall be to raise from private sources, disperse and administer funds for medical education and in connection therewith to take other appropriate action to promote and foster the following objectives:

- (1) The interpretation of the needs of medical education to the American public;
- (2) The encouragement of the growth, development and advancement of constantly improving standards and methods in the education and training of all medical manpower in the Nation; and
- (3) The preservation of academic freedom in the institutions of medical education.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

- (1) to have succession by its corporate name;
- (2) to sue and be sued, complain and defend in any court of competent jurisdiction;
- (3) to adopt, use, and alter a corporate seal;
- (4) to choose such officers, managers, agents, and employees as the business of the corporation may require;
- (5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;
- (6) to contract and be contracted with;
- (7) to take by lease, gift, purchase, grant, devise, or bequest from any private corporation, association, partnership, firm or individual and to hold any property, real, personal or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;
- (8) to transfer, convey, lease, sublease, encumber and otherwise alienate real, personal or mixed property; and
- (9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge or otherwise, subject in every case to all applicable provisions of Federal and State laws.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in New York City, New York, or in such other place as may be later determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, Territories, and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary, sustaining or associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

BOARD OF DIRECTORS: COMPOSITION, RESPONSIBILITIES

SEC. 7 (a) Upon the enactment of this Act the membership of the initial board of directors of the corporation shall consist of the present members of the executive committee of the National Fund for Medical Education, Incorporated, the corporation described in section 16 of this Act, or such of them as may then be living and are qualified members of said executive committee, to wit: Earl Bunting, Washington, District of Columbia; Colby M. Chester, New York, New York; S. Sloan Colt, Westhampton Beach, New York; William E. Cotter, Scarsdale, New York; Victor Emanuel, New York, New York; William B. Given, Junior, New York, New York; Herbert Hoover, New York, New York; Devereux C. Josephs, New York, New York; Samuel D. Leidesdorf, New York, New York; Leroy A. Lincoln, New York, New York; Eustace Seligman, New York, New York; Juan T. Trippe, Greenwich, Connecticut; and John S. Zinsser, Philadelphia, Pennsylvania; together with the following members of the medical profession, namely, Donald C. Balfour, M. D., Rochester, Minnesota; Louis H. Bauer, M. D., Hempstead, New York; Howard A. Rusk, M. D., New York, New York; and Harvey B. Stone, M. D., Baltimore, Maryland.

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen and not more than twenty-five, four of whom shall at all times be members of the medical profession), shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and, during the intervals between the meetings of members, shall be responsible for the general policies and program of the corporation and for the control of all contributed funds as may be raised by the corporation.

OFFICERS; ELECTION AND DUTIES OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board of directors, a president, one or more vice presidents (as may be prescribed in the constitution and bylaws of the corporation), a secretary, and a treasurer, and one or more assistant secretaries and assistant treasurers as may be provided in the constitution and bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the constitution and bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to an officer, director or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The financial transactions shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books,

accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

Report to Congress.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

TRANSFER OF ASSETS

SEC. 16. The corporation may acquire the assets of the National Fund for Medical Education, Incorporated, a corporation organized under the laws of the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this Act is expressly reserved.

Approved August 28, 1954.

Public Law 686

CHAPTER 1037

AN ACT

To provide for a temporary increase in the public debt limit.

August 28, 1954
[H. R. 6672]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on the date of enactment of this Act and ending on June 30, 1955, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act, as amended, shall be temporarily increased by \$6,000,000,000.

Approved August 28, 1954.

49 Stat. 21.
31 USC 757b.

Public Law 687

CHAPTER 1038

AN ACT

Authorizing the Secretary of the Interior to adjust or cancel certain charges on the Milk River project.

August 28, 1954
[H. R. 7813]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary

Milk River project, Mont.

of the Interior may, in his discretion and notwithstanding the provision of any other law, adjust or cancel any charges, including penalties, which have accrued, or which will hereafter accrue, under Public Notice Numbered 5, Milk River project, Montana.

Approved August 28, 1954.

Public Law 688

CHAPTER 1039

AN ACT

August 28, 1954
[H. R. 7734]

To amend section 47 of the National Defense Act concerning the requirement for bond covering certain property issued by the United States for use by Reserve Officers' Training Corps units maintained at educational institutions.

ROTC.
Bond for prop-
erty.
41 Stat. 777.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 47 of the National Defense Act, as amended (10 U. S. C. 389), is further amended by deleting the last sentence thereof and substituting in lieu thereof the following: "The Secretary of the Army, or the Secretary of the Air Force in the case of property of the Department of the Air Force, shall require a bond or other indemnity in such amount as he considers adequate, but in no event less than \$5,000, for the care and safekeeping of all such Government property issued to an educational institution, except uniforms, expendable articles, and supplies expended in operation, maintenance and instruction." A bond without surety thereon may be accepted by the Secretary of the Army or the Secretary of the Air Force, provided the institution to which the property is issued furnishes to the Secretary concerned satisfactory evidence of its financial responsibility.

Approved August 28, 1954.

Public Law 689

CHAPTER 1040

AN ACT

August 28, 1954
[H. R. 8628]

To amend the Tariff Act of 1930 to insure that crude silicon carbide imported into the United States will continue to be exempt from duty, and with respect to the duties applicable to certain prepared fish.

Silicon carbide.
46 Stat. 677.
19 USC 1201, par.
1672.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 1672 of the Tariff Act of 1930, as amended, is amended by inserting "crude silicon carbide," after "corundum ore,".

46 Stat. 633.

Fish sticks.

SEC. 2. (a) Paragraph 720 of title I of the Tariff Act of 1930 (U. S. C., 1952 edition, title 19, sec. 1001, par. 720), is amended by adding at the end thereof the following subparagraph:

"(d) Fish sticks and similar products of any size or shape, fillets, or other portions of fish, if breaded, coated with batter, or similarly prepared, but not packed in oil or in oil and other substances, whether in bulk or in containers of any size or kind, and whether or not described or provided for elsewhere in this Act, if uncooked, 20 per centum ad valorem; cooked in any degree, 30 per centum ad valorem."

Effectivity.

(b) The foregoing amendment shall enter into effect as soon as practicable on a date to be specified by the President in a notice to the Secretary of the Treasury following such negotiations as may be necessary to effect a modification or a termination of the international obligations of the United States with which the amendment would be in conflict.

Approved August 28, 1954.

Public Law 690

CHAPTER 1041

AN ACT

To provide for greater stability in agriculture; to augment the marketing and disposal of agricultural products; and for other purposes.

August 28, 1954
[H. R. 9680]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"Agricultural
Act of 1954."

TITLE I—SET ASIDE OF AGRICULTURAL COMMODITIES

SEC. 101. The Commodity Credit Corporation shall, as rapidly as the Secretary of Agriculture shall determine to be practicable, set aside within its inventories not more than the following maximum quantities and not less than the following minimum quantities of agricultural commodities or products thereof heretofore or hereafter acquired by it from 1954 and prior years' crops and production in connection with its price support operations:

"Commodity set-
aside."

Commodity	Maximum quantity	Minimum quantity
Wheat (bushels)-----	500,000,000	400,000,000
Upland cotton (bales)-----	4,000,000	3,000,000
Cottonseed oil (pounds)-----	500,000,000	0
Butter (pounds)-----	200,000,000	0
Nonfat dry milk solids (pounds)-----	300,000,000	0
Cheese (pounds)-----	150,000,000	0

Such quantities shall be known as the "commodity set-aside".

SEC. 102. Quantities of commodities shall not be included in the commodity set-aside which have an aggregate value in excess of \$2,500,000,000. The value of the commodities placed in the commodity set-aside, for the purpose of this section, shall be the Corporation's investment in such commodities as of the date they are included in the commodity set-aside, as determined by the Secretary.

Commodity
value.

SEC. 103. (a) Such commodity set-aside shall be reduced by disposals made in accordance with the directions of the President as follows:

Reduction.

(1) Donation, sale, or other disposition for disaster or other relief purposes outside the United States pursuant to and subject to the limitations of title II of the Agricultural Trade Development and Assistance Act of 1954;

Ante, p. 457.

(2) Sale or barter (including barter for strategic materials) to develop new or expanded markets for American agricultural commodities, including but not limited to disposition pursuant to and subject to the limitations of title I of the Agricultural Trade Development and Assistance Act of 1954;

Ante, p. 455.

(3) Donation to school-lunch programs;

(4) Transfer to the national stockpile established pursuant to the Act of June 7, 1939, as amended (50 U. S. C. 98-98h), without reimbursement from funds appropriated for the purposes of that Act;

53 Stat. 811; 60
Stat. 596.

(5) Donation, sale, or other disposition for research, experimental, or educational purposes;

(6) Donation, sale, or other disposition for disaster relief purposes in the United States or to meet any national emergency declared by the President; and

(7) Sale for unrestricted use to meet a need for increased supplies at not less than 105 per centum of the parity price in the case of agricultural commodities and a price reflecting 105 per centum of the parity price of the agricultural commodity in the case of products of agricultural commodities.

The President shall prescribe such terms and conditions for the disposal of commodities in the commodity set-aside as he determines will

Terms and con-
ditions.

provide adequate safeguards against interference with normal marketings of the supplies of such commodities outside the commodity set-aside. Strategic materials acquired by the Commodity Credit Corporation under paragraph (2) of this subsection shall be transferred to the national stockpile established pursuant to the Act of June 7, 1939, as amended, and the Commodity Credit Corporation shall be reimbursed for the value of the commodities bartered for such strategic materials from funds appropriated pursuant to section 8 of such Act of June 7, 1939, as amended. For the purpose of such reimbursement, the value of any commodity so bartered shall be the lower of the domestic market price or the Commodity Credit Corporation's investment therein as of the date of such barter, as determined by the Secretary of Agriculture.

50 USC 98-98h.

50 USC 98g.

(b) The quantity of any commodity in the commodity set-aside shall be reduced to the extent that the Commodity Credit Corporation inventory of such commodity is reduced, by natural or other cause beyond the control of the Corporation, below the quantity then charged to the commodity set-aside.

Sale of commodities.

SEC. 104. (a) The Corporation shall have authority to sell, without regard to section 103 (a) (7) hereof, any commodity covered by the commodity set-aside for the purpose of rotating stocks or consolidating inventories, any such sale to be offset by purchase of the same commodity in a substantially equivalent quantity or of a substantially equivalent value.

63 Stat. 1055.
7 USC 1427.
Ante, p. 458.
Computations of
"carry-over."

(b) Dispositions pursuant to this title shall not be subject to the pricing limitations of section 407 of the Agricultural Act of 1949, as amended.

Post, p. 899.

Post, p. 902.

SEC. 105. The quantity of any commodity in the commodity set-aside or transferred from the set-aside to the national stockpile established pursuant to the Act of June 7, 1939, as amended (50 U. S. C. 98-98h) shall be excluded from the computation of "carryover" for the purpose of determining the price support level for such commodity under the Agricultural Act of 1949, as amended, and related legislation, but shall be included in the computation of total supplies for purposes of acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, and related legislation. Until such time as the commodity set-aside has been completed, such quantity of the commodity as the Secretary shall determine between the maximum and minimum quantities specified in section 101 of this Act shall be excluded from the computations of "carry-over" for the purpose of determining the price support level, but shall be included in the computation of total supplies for purposes of acreage allotments and marketing quotas, for the 1955 crop of the commodity, notwithstanding that the quantity so excluded may not have been acquired by the Corporation and included in the commodity set-aside.

Records and accounts.

SEC. 106. The Commodity Credit Corporation shall keep such records and accounts as may be necessary to show, for each commodity set-aside, the initial and current composition, value (in accordance with section 102), current investment, quantity disposed of, method of disposition, and amounts received on disposition.

Appropriation.

SEC. 107. In order to make payment to the Commodity Credit Corporation for any commodities transferred to the national stockpile pursuant to section 103 (a) (4) of this Act, there are hereby authorized to be appropriated amounts equal to the value of any commodities so transferred. The value of any commodity so transferred, for the purpose of this section, shall be the lower of the domestic market price or the Commodity Credit Corporation's investment therein as of the date of transfer to the stockpile, as determined by the Secretary of Agriculture.

TITLE II—AMENDMENTS TO AGRICULTURAL ACT OF 1949, AS AMENDED, AND RELATED LEGISLATION

SEC. 201. (a) Section 101 (d) (6) of the Agricultural Act of 1949 is amended to read as follows:

“(6) Except as provided in subsection (c) and section 402, the level of support to cooperators shall be not more than 90 per centum and not less than 82½ per centum of the parity price for the 1955 crop of any basic agricultural commodity with respect to which producers have not disapproved marketing quotas; within such limits, the minimum level of support shall be fixed as provided in subsections (a) and (b) of this section.”

(b) Section 101 (d) of the Agricultural Act of 1949 (7 U. S. C., sec. 1441 (d)) is amended by adding at the end thereof the following new paragraph:

“(7) Where a State is designated under section 335 (e) of the Agricultural Adjustment Act of 1938, as amended, as outside the commercial wheat-producing area for any crop of wheat, the level of price support for wheat to cooperators in such State for such crop of wheat shall be 75 per centum of the level of price support to cooperators in the commercial wheat-producing area.”

SEC. 202. Section 101 (f) of the Agricultural Act of 1949, as amended, is amended by deleting in the first sentence thereof everything following the word “except” and inserting in lieu thereof the following: “that, notwithstanding any of the foregoing provisions of section 101 of this Act, the level of support to cooperators for the 1955 and each subsequent crop of extra long staple cotton, if producers have not disapproved marketing quotas therefor, shall be the minimum level specified in section 101 (b) of this Act for the supply percentage for extra long staple cotton as of the beginning of the marketing year for the crop.”

SEC. 203. (a) Section 201 of the Agricultural Act of 1949 (7 U. S. C. 1446), as amended, is amended (1) by deleting “Irish potatoes,” from the first sentence thereof, and (2) by deleting from subsection (b) thereof “tung nuts, honey, and early, intermediate and late Irish potatoes” and inserting in lieu thereof “tung nuts and honey”.

(b) Section 5 of the Act of March 31, 1950 (7 U. S. C. 1450), as amended by section 5 (a) of Public Law 290, Eighty-third Congress, is repealed.

SEC. 204. (a) The production and use of abundant supplies of high quality milk and dairy products are essential to the health and general welfare of the Nation: a dependable domestic source of supply of these foods in the form of high grade dairy herds and modern, sanitary dairy equipment is important to the national defense; and an economically sound dairy industry affects beneficially the economy of the country as a whole. It is the policy of Congress to assure a stabilized annual production of adequate supplies of milk and dairy products; to promote the increased use of these essential foods; to improve the domestic source of supply of milk and butterfat by encouraging dairy farmers to develop efficient production units consisting of high-grade, disease-free cattle and modern sanitary equipment; and to stabilize the economy of dairy farmers at a level which will provide a fair return for their labor and investment when compared with the cost of things that farmers buy.

(b) Section 201 (c) of the Agricultural Act of 1949, as amended, is amended to read as follows:

“(c) The price of whole milk, butterfat, and the products of such commodities, respectively, shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price there-

63 Stat. 1051.
7 USC 1421 note.

7 USC 1441(d).
Cooperators.

Wheat.
Post, p. 903.

66 Stat. 759.
Cotton.

63 Stat. 1052.
Nonbasic commodities.

Repeal.
Ante, p. 7.

Dairy products.

Policy of Congress.

Milk, etc., price supports.

School consumption of fluid milk.

for as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through loans on, or purchases of, milk and the products of milk and butterfat, and for the period ending March 31, 1956, surplus stocks of dairy products owned by the Commodity Credit Corporation may be disposed of by any methods determined necessary by the Secretary. Beginning September 1, 1954, and ending June 30, 1956, not to exceed \$50,000,000 annually of funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children in non-profit schools of high school grade and under."

Disposal programs.

(c) In order to prevent the accumulation of excessive inventories of dairy products the Secretary of Agriculture shall undertake domestic disposal programs under authorities granted in the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949, as amended, or as otherwise authorized by law.

7 USC 1281; post, p. 902.
63 Stat. 1052.
7 USC 1446.
Availability of dairy products through CCC.

(d) Title II of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following:

"SEC. 202. As a means of increasing the utilization of dairy products, (including for purposes of this section, milk) upon the certification by the Administrator of Veterans' Affairs or by the Secretary of the Army, acting for the military departments under the Department of Defense's Single Service Purchase Assignment for Subsistence, or their duly authorized representatives that the usual quantities of dairy products have been purchased in the normal channels of trade—

Veterans hospitals.

"(a) The Commodity Credit Corporation until December 31, 1956, shall make available to the Administrator of Veterans' Affairs at warehouses where dairy products are stored, such dairy products acquired under price-support programs as the Administrator certifies that he requires in order to provide butter and cheese and other dairy products as a part of the ration in hospitals under his jurisdiction. The Administrator shall report monthly to the Committees on Agriculture of the Senate and House of Representatives and the Secretary of Agriculture the amount of dairy products used under this subsection.

Report to Congress.

Armed Services, ration.

"(b) The Commodity Credit Corporation until December 31, 1956, shall make available to the Secretary of the Army, at warehouses where dairy products are stored, such dairy products acquired under price-support programs as the Secretary of the Army or his duly authorized representative certifies can be utilized in order to provide additional butter and cheese and other dairy products as a part of the ration of the Army, Navy, or Air Force, and as a part of the ration in hospitals under the jurisdiction of the Department of Defense. The Secretary of the Army shall report every six months to the Committees on Agriculture of the Senate and the House of Representatives and the Secretary of Agriculture the amount of dairy products used under this subsection.

Report to Congress.

Costs of packaging.

"(c) Dairy products made available under this section shall be made available without charge, except that the Secretary of the Army or the Administrator of Veterans' Affairs shall pay the Commodity Credit Corporation the costs of packaging incurred in making such products so available.

"(d) The obligation of the Commodity Credit Corporation to make dairy products available pursuant to the above shall be limited to dairy products acquired by the Corporation through price-support operations and not disposed of under provisions (1) and (2) of section 416 of this Act, as amended."

Brucellosis. Transfer of funds.

(e) As a means of stabilizing the dairy industry and further suppressing and eradicating brucellosis in cattle the Secretary is authorized to transfer not to exceed \$15,000,000 annually for a period of two

years from funds available to the Commodity Credit Corporation to the appropriation item "Plant and Animal Disease and Pest Control" in the Department of Agriculture Appropriation Act, 1955, for the purpose of accelerating the brucellosis eradication program, for the purpose of increasing to not to exceed \$50 per head of cattle the amount of the indemnities paid by the Federal Government for cattle destroyed because of brucellosis in connection with cooperative control and eradication programs for such disease in cattle entered into by the Secretary under the authority of the Act of May 29, 1884, as amended, for the purpose of increasing the number of such indemnities, and for the purpose of defraying any additional administrative expenses in connection therewith. There is hereby authorized to be appropriated annually such sums as may be necessary to reimburse the Commodity Credit Corporation for expenditures pursuant to this section.

Ante, p. 304.

23 Stat. 31.
7 USC 391.

(f) The Secretary of Agriculture is directed to make a study of the various methods of production control and of the various methods of price support which could be made applicable to milk and butterfat and their products, including programs to be operated and financed by dairymen; and to submit to Congress on or before the 3d day of January, 1955, a detailed report thereof showing among other things the probable costs and effects of each type of operation studied and the legislation, if any, needed to put it into effect. The purpose of the study and report is to develop basic material which can be used by Congress in formulating an improved agricultural program for milk and butterfat and their products. Alternative programs are to be submitted for consideration by Congress and for possible submission to a referendum of dairy farmers. The Secretary may conduct such hearings and receive such statements and briefs in connection with such study as he deems appropriate.

Studies of pro-
duction control and
price support.

Report to Con-
gress.

SEC. 206. Section 401 (c) of the Agricultural Act of 1949, as amended (7 U. S. C. 1421), is amended by adding, at the end thereof, the following: "In administering any program for diverted acres the Secretary may make his regulations applicable on an appropriate geographical basis. Such regulations shall be administered (1) in semiarid or other areas where good husbandry requires maintenance of a prudent feed reserve in such manner as to permit, to the extent so required by good husbandry, the production of forage crops for storage and subsequent use either on the farm or in feeding operations of the farm operator, and (2) in areas declared to be disaster areas by the President under Public Law 875, Eighty-first Congress, in such manner as will most quickly restore the normal pattern of their agriculture."

63 Stat. 1054.
Program for di-
verted acres.

64 Stat. 1109.
42 USC 1855-
1855g.

SEC. 207. Section 401 of the Agricultural Act of 1949, as amended, is amended by adding thereto the following new subsection:

"(e) Whenever any price support or surplus removal operation for any agricultural commodity is carried out through purchases from or loans or payments to processors, the Secretary shall, to the extent practicable, obtain from the processors such assurances as he deems adequate that the producers of the agricultural commodity involved have received or will receive maximum benefits from the price support or surplus removal operation."

Processors' as-
surances.

SEC. 208. Notwithstanding the provisions of section 407 of the Agricultural Act of 1949, as amended, or of any other law, the Commodity Credit Corporation is authorized until March 1, 1955, to sell at the point of storage any feed grain owned by the Corporation at 10 per centum above the current support price for the commodity.

Feed grain.
63 Stat. 1055.
7 USC 1427.

SEC. 209. Section 408 (b) of the Agricultural Act of 1949 (7 U. S. C., sec. 1428 (b)) is amended by inserting "or wheat" after "corn", and by inserting "or wheat-producing" after "corn-producing".

TITLE III—AMENDMENTS TO AGRICULTURAL ADJUSTMENT ACT OF 1938, AND RELATED LEGISLATION

52 Stat. 31.
7 USC 1281.

62 Stat. 1250.

Transitional parity price.

SEC. 301. Section 301 (a) (1) (E) of the Agricultural Adjustment Act of 1938, as amended (U. S. C., 1952 edition, title 7, sec. 1301 (a) (1) (E)), is amended as follows:

"SEC. 301 (a) (1) (E). Notwithstanding the provisions of subparagraph (A), the transitional parity price for any agricultural commodity, computed as provided in this subparagraph, shall be used as the parity price for such commodity until such date after January 1, 1950, as such transitional parity price may be lower than the parity price, computed as provided in subparagraph (A), for such commodity. The transitional parity price for any agricultural commodity as of any date shall be—

"(i) its parity price determined in the manner used prior to the effective date of the Agricultural Act of 1948, less

"(ii) 5 per centum of the parity price so determined multiplied by the number of full calendar years which, as of such date, have elapsed after January 1, 1949, in the case of nonbasic agricultural commodities, and after January 1, 1955, in the case of the basic agricultural commodities."

SEC. 302. Section 301 (b) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 (b)), is amended:

63 Stat. 1057.

(a) By striking out in paragraph 10 (A) the language "10 per centum in the case of corn" and "15 per centum in the case of wheat" and inserting in lieu thereof "15 per centum in the case of corn" and "20 per centum in the case of wheat", respectively;

54 Stat. 727.

Normal yield.

(b) By amending paragraph (13) (A) to read as follows:

"(A) 'Normal yield' for any county, in the case of corn or wheat, shall be the average yield per acre of corn or wheat for the county during the ten calendar years in the case of wheat, or the five calendar years in the case of corn, immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and, in the case of wheat, for trends in yields. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years in the case of wheat, or the five calendar years in the case of corn, immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years in the case of wheat, or the 5 years in the case of corn, upon which the existing normal yield per acre for the county was based."; and

(c) By amending the first sentence of paragraph (13) (E) to read as follows: "'Normal yield' for any farm, in the case of corn, wheat, cotton, or peanuts, shall be the average yield per acre of corn, wheat, cotton, or peanuts, as the case may be, for the farm, adjusted for abnormal weather conditions and, in the case of wheat, but not in the case of corn, cotton, or peanuts, for trends in yields, during the ten calendar years in the case of wheat, and five calendar years in the case of corn, cotton, or peanuts, immediately preceding the year in which such normal yield is determined."

7 USC prec. 1321.

SEC. 303. Part II of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C., ch. 35, subch. II, subtitle B, pt. II), is amended by striking out the designation "MARKETING QUOTAS—CORN" and inserting in lieu thereof the words "ACREAGE ALLOTMENTS—CORN".

Repeals.
52 Stat. 49-51.

SEC. 304. Sections 322 to 325, inclusive (7 U. S. C. 1322 to 1325), and section 326 (7 U. S. C. 1326), insofar as it is applicable to corn, of the Agricultural Adjustment Act of 1938, as amended, are hereby repealed, and section 327 thereof (7 U. S. C. 1327), is hereby amended to read as follows:

"PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREA

"SEC. 327. Not later than February 1 of each calendar year, the Secretary shall ascertain and proclaim the commercial corn-producing area."

SEC. 305. The first sentence of section 328 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1328), is amended by striking out the word "ten" and inserting in lieu thereof "five", by striking out the language "and trends in yield", and by striking out the word "or" and inserting in lieu thereof "and corn".

52 Stat. 52, 202;
62 Stat. 1257.

SEC. 306. Section 329 (a) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1329), is amended by striking out the word "ten" and inserting in lieu thereof "five".

52 Stat. 52.

SEC. 307. Section 332 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

52 Stat. 53.
7 USC 1332.

"SEC. 332. Not later than May 15 of each calendar year the Secretary shall ascertain and proclaim the national acreage allotment for the crop of wheat produced in the next succeeding calendar year."

SEC. 308. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof a new subsection as follows:

7 USC 1334.

"(f) Any part of any 1955 farm wheat acreage allotment on which wheat will not be planted and which is voluntarily surrendered to the county committee shall be deducted from the allotment to such farm and may be reapportioned by the county committee to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of past acreage of wheat tillable acres, crop rotation practices, type of soil, and topography. If all of the allotted acreage voluntarily surrendered is not needed in the county, the county committee may surrender the excess acreage to the State committee to be used for the same purposes as the State acreage reserve under subsection (c) of this section. Any allotment transferred under this provision shall be regarded for the purposes of subsection (c) of this section as having been planted on the farm from which transferred rather than on the farm to which transferred, except that this shall not operate to make the farm from which the allotment was transferred eligible for an allotment as having wheat planted thereon during the three-year base period: *Provided*, That notwithstanding any other provisions of law, any part of any 1955 farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided herein. Acreage surrendered, reapportioned under this subsection, and planted shall be credited to the State and county in determining future acreage allotments."

Wheat acreage
allotments.
Voluntary sur-
renders.

SEC. 309. Section 335 of the Agricultural Adjustment Act of 1938, as amended, is amended—

7 USC 1335.

(a) by striking out of subsection (a) "July 1" following the words "not later than" and inserting in lieu thereof "May 15"; and

(b) by adding at the end thereof the following new subsection:

"(e) If, for any marketing year, the acreage allotment for wheat for any State is twenty-five thousand acres or less, the Secretary, in order to promote efficient administration of this Act and the Agricultural Act of 1949, may designate such State as outside the commercial wheat-producing area for such marketing year. No farm marketing quota or acreage allotment with respect to wheat under this title shall be applicable in such marketing year to any farm in any State so designated; and no acreage allotment in any other State shall be increased by reason of such designation. Notice of any such designation shall be published in the Federal Register."

7 USC 1421 note.
Ante, p. 899.

Publication in
FR.

Ante, p. 6.

SEC. 310. (a) Section 344 (f) (6) of the Agricultural Adjustment Act of 1938, as amended, is amended by changing the first sentence to read as follows:

County acreage
allotments.
Cotton land.

"(6) Notwithstanding the foregoing provisions of this subsection except paragraph (3), if the county committee recommends such action and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county, the county acreage allotment, less the acreage reserved under paragraph (3) of this subsection, shall be apportioned to farms on which cotton has been planted in any one of the three years immediately preceding the year for which such allotment is determined, on the basis of the acreage planted to cotton on the farm during such three-year period, adjusted as may be necessary for abnormal conditions affecting plantings during such three-year period: *Provided*, That the county committee may in its discretion (A) apportion such county allotment by first establishing minimum allotments in accordance with paragraph (1) of this subsection and by allotting the remaining acreage to farms other than those receiving an allotment under paragraph (1) (B) in accordance with the foregoing provisions of this paragraph and (B) limit any farm acreage allotment established under the provisions of this paragraph for any year to an acreage not in excess of 50 per centum of the cropland on the farm, as determined pursuant to the provisions of paragraph (2) of this subsection: *Provided further*, That any part of the county acreage allotment not apportioned under this paragraph by reason of the initial application of such 50 per centum limitation shall be added to the county acreage reserve under paragraph (3) of this subsection and shall be available for the purposes specified therein.

Ante, p. 5.

(b) Section 344 (m) (2) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out "1954 or 1955" wherever they appear therein.

63 Stat. 675.
7 USC 1348.

SEC. 311. (a) Section 348 of the Agricultural Adjustment Act of 1938, as amended, is amended effective with the 1955 crops to read as follows:

Ineligibility for
payments.

"SEC. 348. (a) Any person who knowingly harvests any basic agricultural commodity on his farm which has been determined by the Secretary to be in excess of the farm acreage allotment for such commodity for the farm for such year under this title shall not be eligible for any payment for such year under the Soil Conservation and Domestic Allotment Act, as amended.

49 Stat. 1148.
16 USC 590q.

"(b) Persons applying for any payment of money under the Soil Conservation and Domestic Allotment Act, as amended, shall file with the application a statement of facts showing eligibility under this section."

63 Stat. 676.
7 USC 1374.

(b) Section 374 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the last sentence of subsection (b) thereof and adding the following new subsection:

"(c) If the acreage determined to be planted to any basic agricultural commodity on the farm is in excess of the farm acreage allotment, the Secretary shall by appropriate regulations provide for a reasonable time prior to harvest within which such planted acreage may be adjusted to the farm acreage allotment."

52 Stat. 64.

SEC. 312. Section 371 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1371), is hereby amended:

(a) By amending subsection (b) to read as follows:

Adjustment be-
cause of emer-
gency or export de-
mand.

"(b) If the Secretary has reason to believe that, because of a national emergency or because of a material increase in export demand, any national acreage allotment for corn or any national marketing quota or acreage allotment for wheat, cotton, rice, peanuts, or tobacco

should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary in order to effect the declared policy of this Act or to meet such emergency or increase in export demand. If, on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such finding (and if he finds an increase is necessary, the amount of the increase found by him to be necessary) and thereupon such quota or allotment shall be increased, or shall terminate, as the case may be."

(b) By adding in subsection (c) after the words "marketing quota", wherever they appear therein, the words "or acreage allotment", and

(c) By deleting subsection (d) therefrom.

SEC. 313. Public Law 74, Seventy-seventh Congress (7 U. S. C. 1330, 1340), as amended, shall not be applicable to corn.

SEC. 314. Notwithstanding any other provision of law, in areas where a summer fallow crop rotation of wheat is a common practice the 1955 wheat acreage allotment for any farm on which such rotation was practiced with respect to the 1952 and 1953 crops of wheat shall not be less than 50 per centum of (1) the average acreage planted for the production of wheat for the calendar years 1952 and 1953 plus (2) the average of the acreage summer fallowed during the calendar year 1951 for the seeding of wheat for 1952 and the acreage summer fallowed during the calendar year of 1952 for the seeding of wheat for 1953, adjusted in the same ratio as the national average seedings for the production of wheat during the calendar years 1952 and 1953 bears to the national acreage allotment for wheat for the 1955 crop, taking into consideration the adjustments made for crop rotation practices pursuant to the regulations pertaining to farm acreage allotments for the 1955 crop of wheat issued by the Secretary: *Provided*, That, except for farms on which at least 90 per centum of the acreage seeded for the production of wheat for the calendar years 1952 and 1953 was seeded on land which was summer fallowed during the years 1951 and 1952, respectively, and for which a definite and regular alternate wheat and summer fallow crop rotation practice has been determined under the aforesaid regulations, the acreage determined under this section to which the national adjustment factor is applied shall not exceed 50 per centum of the cropland on the farm well suited for the production of wheat: *Provided further*, That no acreage shall be included under (1) or (2) which the Secretary, by appropriate regulations, determines will become an undue erosion hazard under continued farming: *Provided further*, That the acreage determined under this section to which the national adjustment factor is applied shall not exceed six hundred and forty acres, with the acres in excess of six hundred and forty acres, if any, to be adjusted by the adjustment factor for the county. To the extent that the allotment to any county is insufficient to provide for such minimum farm allotments, the Secretary shall allot such county such additional acreage (which shall be in addition to the county, State, and National acreage allotments otherwise provided for under the Agricultural Adjustment Act of 1938, as amended) as may be necessary in order to provide for such minimum farm allotments.

SEC. 315. The Secretary of Agriculture is directed to make a study of the various two-price systems of price support and marketing which could be made applicable to rice and to submit to Congress on or before March 1, 1955, a detailed report thereon. The Secretary may conduct such hearings and receive such statements and briefs in connection with such study as he deems appropriate.

Repeal.

55 Stat. 203.

Wheat.

52 Stat. 31.
7 USC 1281.

Rice; studies.

Report to Congress.

TITLE IV—AMENDMENTS TO AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

50 Stat. 246.
7 USC 674.

SEC. 401. The Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

48 Stat. 32.

(a) Section 2, as amended (7 U. S. C. 602), is amended by adding the following new subsection:

Infra.

“(4) Through the exercise of the powers conferred upon the Secretary of Agriculture under this title, to establish and maintain such orderly marketing conditions for any agricultural commodity enumerated in section 8c (2) as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices.”

(b) Section 8c (2), as amended (7 U. S. C. 608c (2)), is amended to read as follows:

Applicability of orders.

“(2) Orders issued pursuant to this section shall be applicable only to the following agricultural commodities and the products thereof (except canned or frozen grapefruit, the products of naval stores, and the products of honeybees), or to any regional, or market classification of any such commodity or product: Milk, fruits (including filberts, almonds, pecans and walnuts but not including apples, other than apples produced in the States of Washington, Oregon, and Idaho, and not including fruits, other than olives and grapefruit, for canning or freezing), tobacco, vegetables (not including vegetables, other than asparagus, for canning or freezing), soybeans, hops, honeybees and naval stores as included in the Naval Stores Act and standards established thereunder (including refined or partially refined oleoresin): *Provided*, That no order issued pursuant to this section shall be effective as to any grapefruit for canning or freezing unless the Secretary of Agriculture determines, in addition to other findings and determinations required by this Act, that the issuance of such order is approved or favored by the processors who, during a representative period determined by the Secretary, have been engaged in canning or freezing such commodity for market and have canned or frozen for market more than 50 per centum of the total volume of such commodity canned or frozen for market during such representative period.”

(c) Section 8c (6), as amended (7 U. S. C. 608c (6)), is amended:

(1) By deleting the provisions immediately preceding paragraph (A) thereof and inserting in lieu thereof the following:

Supra.

“(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:”

Size, etc., of container.

(2) By adding the following new paragraphs at the end thereof:

“(H) providing a method for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging, transportation, sale, shipment, or handling of any fresh or dried fruits, vegetables, or tree nuts: *Provided, however*, That no action taken hereunder shall conflict with the Standard Containers Act of 1916 (15 U. S. C. 251–256) and the Standard Containers Act of 1928 (15 U. S. C. 257–257i);

39 Stat. 673; 45 Stat. 685.

Marketing research projects, etc.

“(I) establishing or providing for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order.”

(d) Section 8c (7) (C), is amended by adding at the end thereof: "There shall be included in the membership of any agency selected to administer a marketing order applicable to grapefruit for canning or freezing one or more representatives of processors of the commodity specified in such order."

49 Stat. 757.
7 USC 608c.

(e) Section 8 as amended, is further amended by adding a new section 8e reading as follows:

"8e. Notwithstanding any other provision of law, whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of this Act contains any terms or conditions regulating the grade, size, quality, or maturity of tomatoes, avocados, limes, grapefruit, green peppers, Irish potatoes, cucumbers, or eggplants produced in the United States the importation into the United States of any such commodity during the period of time such order is in effect shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated hereunder: *Provided*, That this prohibition shall not apply to such commodities when shipped into continental United States from the Commonwealth of Puerto Rico or any Territory or possession of the United States where this Act has force and effect: *Provided further*, That whenever two or more such marketing orders regulating the same agricultural commodity produced in different areas of the United States are concurrently in effect, the importation into the United States of any such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition. Such prohibition shall not become effective until after the giving of such notice as the Secretary of Agriculture determines reasonable, which shall not be less than three days. In determining the amount of notice that is reasonable in the case of tomatoes the Secretary of Agriculture shall give due consideration to the time required for their transportation and entry into the United States after picking. Whenever the Secretary of Agriculture finds that the application of the restrictions under a marketing order to an imported commodity is not practicable because of variations in characteristics between the domestic and imported commodity he shall establish with respect to the imported commodity such grade, size, quality, and maturity restrictions by varieties, types, or other classifications as he finds will be equivalent or comparable to those imposed upon the domestic commodity under such order. The Secretary of Agriculture may promulgate such rules and regulations as he deems necessary, to carry out the provisions of this section. Any person who violates any provision of this section or of any rule, regulation, or order promulgated hereunder shall be subject to a forfeiture in the amount prescribed in section 8a (5) or, upon conviction, a penalty in the amount prescribed in section 8c (14) of the Act, or to both such forfeiture and penalty."

Importation prohibition.

Tomatoes.

Rules and regulations.

48 Stat. 674; 49 Stat. 759.
7 U S C 608 a, 608c.

TITLE V—AMENDMENTS TO SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

SEC. 501. Section 8 of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590h), is amended:

(a) By striking out of subsection (a) "January 1, 1955" and "December 31, 1954", wherever they appear therein, and inserting in lieu thereof "January 1, 1957" and "December 31, 1956", respectively;

66 Stat. 95.

(b) By adding at the end of subsection (a) the following:

"During the period prior to January 1, 1957, the Secretary shall carry out the purposes specified in section 7 (a) through State action

16 USC 590g.

as rapidly as adequate State laws are enacted and satisfactory State plans are submitted. Notwithstanding the foregoing provisions of this section and section 7, the provisions of this section with respect to the State, county, and local committees of farmers shall continue in full force and effect for purposes other than the administration of State plans.”;

55 Stat. 257.

(c) By striking out of the second paragraph of subsection (b) the language “at not to exceed a fair price fixed in accordance with regulations to be prescribed by the Secretary” and by adding at the end of such paragraph the following new sentence: “The price at which purchase orders for any conservation materials or services are filled may be limited to a fair price fixed in accordance with regulations prescribed by the Secretary.”

SEC. 502. Section 15 of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590o), is amended by adding at the end thereof the following:

16 USC 590g.

“Notwithstanding the foregoing provisions of this section and the provisions of section 7 (g), programs of soil building practices and soil- and water-conserving practices shall be based on a distribution of the funds available for payments and grants among the several States in accordance with their conservation needs, as determined by the Secretary, except that the proportion allocated to any State shall not be reduced by more than 15 per centum from the distribution of such funds for the next preceding program year. In carrying out such programs, the Secretary shall give particular consideration to conservation problems on farm lands diverted from crops under acreage allotment programs and to the maintenance of a proper balance between soil conserving and soil depleting crops on the farm.”

Terms of county committees.

SEC. 503. Nothing contained in section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended, or in any other provision of law, shall be construed to authorize the Secretary of Agriculture to impose any limitations upon the number of terms for which members of county committees established under such section may be reelected.

TITLE VI—AGRICULTURAL ATTACHES

Foreign markets, information, etc.

SEC. 601. For the purpose of encouraging and promoting the marketing of agricultural products of the United States and assisting American farmers, processors, distributors, and exporters to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall acquire information regarding the competition and demand for United States agricultural products, the marketing and distribution of said products in foreign countries and shall be responsible for the interpretation and dissemination of such information in the United States and shall make investigations abroad regarding the factors affecting and influencing the export of United States agricultural products, and shall conduct abroad any other activities including the demonstration of standards of quality for American agricultural products for which the Department of Agriculture now has or in the future may have such standards, as he deems necessary. Nothing contained herein shall be construed as prohibiting the Department of Agriculture from conducting abroad any activity for which authority now exists.

Personnel.

SEC. 602. (a) To effectuate the carrying out of the purposes of this title, the Secretary of Agriculture is authorized to appoint such personnel as he determines to be necessary and, with the concurrence of the Secretary of State, to assign such personnel to service abroad, and the Secretary of Agriculture may place not to exceed eight positions in

Grades 16, 17.

grade 16 and two in grade 17 of the General Schedule of the Classification Act of 1949, as amended, in accordance with the standards and procedures of that Act and such positions shall be in addition to the number authorized in section 505 of that Act.

63 Stat. 954.
5 USC 1071 note,
1105.

(b) Officers or employees assigned or appointed to a post abroad pursuant to this title shall have the designation of Agricultural Attaché or other titles or designations, which shall be jointly agreed to by the Secretary of State and the Secretary of Agriculture.

Agricultural At-
tache.

(c) Upon the request of the Secretary of Agriculture, the Secretary of State shall regularly and officially attach the officers or employees of the United States Department of Agriculture to the diplomatic mission of the United States in the country in which such officers or employees are to be assigned by the Secretary of Agriculture, and shall obtain for them diplomatic privileges and immunities equivalent to those enjoyed by Foreign Service personnel of comparable rank and salary.

Attachment to
diplomatic mis-
sions.

(d) The President shall prescribe regulations to insure that the official activities of persons assigned abroad under this title are carried on (1) consonant with United States foreign policy objectives as defined by the Secretary of State; (2) in accordance with instructions of the Secretary of Agriculture with respect to agricultural matters; and (3) in coordination with other representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission.

Regulations of
President.

SEC. 603. The Secretary of Agriculture may, under such rules and regulations as may be prescribed by the President or his designee, provide to personnel appointed or assigned by the Secretary of Agriculture under this title or other authority allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946. Leaves of absence for personnel under this title shall be on the same basis as is provided for the Foreign Service of the United States by the Annual and Sick Leave Act of 1951 (5 U. S. C. 2061).

Allowances and
benefits.

SEC. 604. (a) The reports and dispatches prepared by the officers appointed or assigned under this title shall be made available to the Department of State, and may be made available to other interested agencies of the Government, and the agricultural reports and dispatches and related information produced by officers of the Foreign Service shall be available to the Secretary of Agriculture.

60 Stat. 1025.
22 USC 1131-
1158.

65 Stat. 679.
Reports and dis-
patches.

(b) The Secretary of State is authorized upon request of the Secretary of Agriculture to provide office space, equipment, facilities, and such other administrative and clerical services as may be required for the personnel affected by this title. The Secretary of Agriculture is authorized to reimburse or advance funds to the Secretary of State for such services.

Office facilities,
etc.

SEC. 605. Provisions in annual appropriation Acts of the Department of State facilitating the work of the Foreign Service of the United States shall be applicable under rules and regulations prescribed by the President or his designee to activities pursuant to this title.

Foreign Service
appropriations.

SEC. 606. The Secretary of Agriculture may make rules and regulations necessary to carry out the purposes of this title and may cooperate with any Department or agency of the United States Government, State, Territory, or possession or any organization or person. In any foreign country where custom or practice requires payment in advance for rent or other service, such payment may be authorized by the Secretary of Agriculture.

Advance pay-
ment of rent, etc.

SEC. 607. (a) For the fiscal year 1955 so much of the Department of State and Department of Agriculture unexpended balances of appropriations, allocations, and other funds employed, held, used,

Unexpended bal-
ances, 1955.

available, or to be made available, in connection with the functions covered by this title as the Director of the Bureau of the Budget or the Congress by appropriation or other law shall determine shall be transferred to or established in accounts under the control of the Department of Agriculture, and there are hereby authorized to be established such additional accounts as may be necessary for this purpose.

Appropriations.

(b) There are hereby authorized to be appropriated to the Department of Agriculture such amounts as may be necessary for the purpose of this title.

Funds for 1955, expenditures.

(c) For the fiscal year 1955 funds which become available for the purposes of this title may be expended under the provisions of law, including current appropriation Acts, applicable to the Department of State: *Provided*, That the provisions of section 571 (d) of the Foreign Service Act of 1946, as amended, with respect to the source of payment for Foreign Service officers and employees shall not apply to personnel employed under this title. Obligations incurred by the Department of State prior to September 1, 1954, with respect to functions affected by this Act, shall be paid from appropriations available to the Department of State.

60 Stat. 1012.
22 USC 961.

SEC. 608. Nothing in this title shall be construed to affect personnel employed by or funds available to the Foreign Operations Administration or programs conducted under its authorities.

TITLE VII—NATIONAL WOOL ACT OF 1954

Short title.

SEC. 701. This title may be cited as the "National Wool Act of 1954."

SEC. 702. It is hereby recognized that wool is an essential and strategic commodity which is not produced in quantities and grades in the United States to meet the domestic needs and that the desired domestic production of wool is impaired by the depressing effects of wide fluctuations in the price of wool in the world markets. It is hereby declared to be the policy of Congress, as a measure of national security and in promotion of the general economic welfare, to encourage the annual domestic production of approximately three hundred million pounds of shorn wool, grease basis, at prices fair to both producers and consumers in a manner which will have the least adverse effects upon foreign trade.

Price supports.

SEC. 703. The Secretary of Agriculture shall, through the Commodity Credit Corporation, support the prices of wool and mohair, respectively, to the producers thereof by means of loans, purchases, payments, or other operations. Such price support shall be limited to wool and mohair marketed during the period beginning April 1, 1955, and ending March 31, 1959. The support price for shorn wool shall be at such incentive level as the Secretary, after consultation with producer representatives, and after taking into consideration prices paid and other cost conditions affecting sheep production, determines to be necessary in order to encourage an annual production consistent with the declared policy of this title: *Provided*, That the support price for shorn wool shall not exceed 110 per centum of the parity price therefor. If the support price so determined does not exceed 90 per centum of the parity price for shorn wool, the support price for shorn wool shall be at such level, not in excess of 90 per centum nor less than 60 per centum of the parity price therefor, as the Secretary determines necessary in order to encourage an annual production of approximately three hundred and sixty million pounds of shorn wool. The support prices for pulled wool and for mohair shall be established at such levels, in relationship to the support price for shorn wool, as the Secretary determines will maintain normal marketing practices for

pulled wool, and as the Secretary shall determine is necessary to maintain approximately the same percentage of parity for mohair as for shorn wool. The deviation of mohair support prices shall not be calculated so as to cause it to rise or fall more than 15 per centum above or below the comparable percentage of parity at which shorn wool is supported. Notwithstanding the foregoing, no price support shall be made available, other than through payments, at a level in excess of 90 per centum of the parity price for the commodity. The Secretary shall, to the extent practicable, announce the support price levels for wool and mohair sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year.

SEC. 704. If payments are utilized as a means of price support, the payments shall be such as the Secretary of Agriculture determines to be sufficient, when added to the national average price received by producers, to give producers a national average return for the commodity equal to the support price level therefor: *Provided*, That the total of all such payments made under this Act shall not at any time exceed an amount equal to 70 per centum of the accumulated totals, as of the same date, of the gross receipts from specific duties (whether or not such specific duties are parts of compound rates) collected on and after January 1, 1953, on all articles subject to duty under schedule 11 of the Tariff Act of 1930, as amended. The payments shall be made upon wool and mohair marketed by the producers thereof, but any wool or mohair produced prior to January 1, 1955, shall not be the subject of payments. The payments shall be at such rates for the marketing year or periods thereof as the Secretary determines will give producers the support price level as herein provided. Payments to any producer need not be made if the Secretary determines that the amount of the payment to the producer or all producers is too small to justify the cost of making such payments. The Secretary may make the payment to producers through the marketing agency to or through whom the producer marketed his wool or mohair: *Provided*, That such marketing agency agrees to receive and promptly distribute the payments on behalf of such producers. In case any person who is entitled to any such payment dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary may determine to be fair and reasonable in all the circumstances and provided by regulation.

Payments.

46 Stat. 646.
19 USC 1001,
par. 1101 et seq.

SEC. 705. For the purpose of reimbursing the Commodity Credit Corporation for any expenditures made by it in connection with payments to producers under this title, there is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1956, an amount equal to the total of expenditures made by the Corporation during the preceding fiscal year and to any amounts expended in prior fiscal years not previously reimbursed: *Provided, however*, that such amounts appropriated for any fiscal year shall not exceed 70 per centum of the gross receipts from specific duties (whether or not such specific duties are parts of compound rates) collected during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year on all articles subject to duty under schedule 11 of the Tariff Act of 1930, as amended. For the purposes of the appraisal under the Act of March 8, 1938, as amended (15 U. S. C. 713a-1), the Commodity Credit Corporation shall establish on its books an account receivable in an amount equal to any amount expended by Commodity Credit Corporation in connection with payments pursuant to this title which has not been reimbursed from appropriations made hereunder.

CCC reimburse-
ment.

19 USC 1001,
par. 1101 et seq.

52 Stat. 107.

Determination of
support opera-
tions by Secretary.

SEC. 706. Except as otherwise provided in this title, the amounts, terms, and conditions of the price support operations and the extent to which such operations are carried out shall be determined or approved by the Secretary of Agriculture. The Secretary may, in determining support prices and rates of payment, make adjustments in such prices or rates for differences in grade, quality, type, location, and other factors to the extent he deems practicable and desirable. Determinations by the Secretary under this title shall be final and conclusive. The facts constituting the basis for any operation, payment, or amount thereof when officially determined in conformity with applicable regulations prescribed by the Secretary shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

"Marketing
year."

SEC. 707. The term "marketing year" as used in this title means the twelve-month period beginning April 1 of each calendar year or, for either wool or mohair, such other period, or periods for prescribed areas, as the Secretary may determine to be desirable to effectuate the purpose of this title.

Agreements with
marketing coopera-
tives, etc.

SEC. 708. The Secretary of Agriculture is authorized to enter into agreements with, or to approve agreements entered into between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof for the purpose of developing and conducting on a National, State, or regional basis advertising and sales promotion programs for wool, mohair, sheep, or goats or the products thereof. Provision may be made in such agreement to obtain the funds necessary to defray the expenses incurred thereunder through pro rata deductions from the payments made under section 704 of this title to producers within the production area he determines will be benefited by the agreement and for the assignment and transfer of the amounts so deducted to the person or agency designated in the agreement to receive such amounts for expenditure in accordance with the terms and conditions of the agreement. No agreement containing such a provision for defraying expenses through deductions shall become effective until the Secretary determines that at least two-thirds of the producers who, during a representative period determined by the Secretary, have been engaged, within the production area he determines will be benefited by the agreement, in the production for market of the commodity specified therein approve or favor such agreement or that producers who, during such representative period have produced at least two-thirds of the volume of such commodity produced within the area which will be benefited by such agreement, approve or favor such agreement. Approval or disapproval by cooperative associations shall be considered as approval or disapproval by the producers who are members of, stockholders in, or under contract with such cooperative association of producers. The Secretary may conduct a referendum among producers to ascertain their approval or favor. The requirements of approval or favor shall be held to be complied with if two-thirds of the total number of producers, or two-thirds of the total volume of production, as the case may be, represented in such referendum, indicate their approval or favor.

Referendum.

63 Stat. 1052.

SEC. 709. Section 201 of the Agricultural Act of 1949 (7 U. S. C., sec. 1446) is amended effective April 1, 1955, (i) by deleting from the first sentence thereof the phrase "wool (including mohair)," and (ii) by deleting subsection (a) thereof relating to the support of wool and mohair.

SEC. 710. (a) The third sentence of section 2 (a) of the Commodity Exchange Act, as amended, is amended by inserting "wool," after the comma following "(Irish potatoes)".

49 Stat. 1491.
7 USC 2.

(b) The amendment made by this section shall become effective sixty days after the date of enactment of this Act.

Effective date.

Approved August 28, 1954.

Public Law 691

CHAPTER 1042

AN ACT

To authorize the conveyance by the Secretary of the Interior to Virginia Electric and Power Company of a perpetual easement of right-of-way for electric transmission line purposes across lands of the Richmond National Battlefield Park, Virginia, such easement to be granted in exchange for, and in consideration of, the conveyance for park purposes of approximately six acres of land adjoining the Park.

August 28, 1954
[H. R. 8205]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to grant and convey to Virginia Electric and Power Company a perpetual easement of right-of-way for electric transmission line purposes over, upon, and across fifty-five one-hundredths of an acre of land on the western side of Parker's battery site in the Richmond National Battlefield Park, Virginia, subject to such terms and conditions as the Secretary may deem desirable, and to accept in exchange therefor the conveyance of six and fifty-seven one-hundredths acres of land adjoining the Parker's battery area, Richmond National Battlefield Park.

Richmond National Battlefield Park, Va.

Approved August 28, 1954.

Public Law 692

CHAPTER 1043

AN ACT

To convey the reversionary interest of the United States in certain lands to the city of Pawnee, Oklahoma.

August 28, 1954
[H. R. 8859]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed, to the city of Pawnee, Oklahoma, all of the right, title, and interest of the United States in and to the tract of land in Pawnee County, Oklahoma, known as "Mission Park", and more particularly described as follows: Lot 1 of section 32, in township 22 north of range 5 east of the Indian meridian, Oklahoma, containing eighty-eight and forty-three one-hundredths acres, according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General.

Pawnee, Okla.
Conveyance.

Approved August 28, 1954.

Public Law 693

CHAPTER 1044

AN ACT

To reclassify dictophones in the Tariff Act of 1930.

August 28, 1954
[H. R. 8932]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 372 of the Tariff Act of 1930 (19 U. S. C., sec. 1001, par. 372) is hereby amended by inserting after "cash registers, 25 per centum ad valo-

Dictophones.
46 Stat. 625.

rem;" the following: "business dictating, recording, and transcribing machines, chiefly used in business offices, of the type or types recording on nonmagnetizable recording medium, and parts thereof, 30 per centum ad valorem;"

46 Stat. 669. SEC. 2. Paragraph 1542 of the Tariff Act of 1930 (19 U. S. C., sec. 1001, par. 1542) is hereby amended by striking out "dictophones," in each place it appears therein.

SEC. 3. Nothing in this Act shall be construed as affecting in any manner existing international obligations of the United States with respect to the duty on the articles inserted by the first section of this Act in paragraph 372 of the Tariff Act of 1930, and the rate of duty of 15 per centum ad valorem presently applied to such articles under paragraph 1542 of such Act, as modified pursuant to such international obligations, shall continue to be applied to such articles and to be subject to modification or termination in the same manner and to the same extent as under existing law.

Effective date. SEC. 4. The foregoing amendments made by this Act shall take effect at the close of the thirtieth day after the day on which this Act is enacted.

19 USC 1201. SEC. 5. Section 201 of title II of the Tariff Act of 1930, as amended, is further amended by adding at the end thereof a new paragraph to read as follows:

Furfural. "PAR. 1818. Furfural."

Black granite. SEC. 6. The Secretary of the Treasury is hereby directed to admit free of duty black granite, in whatever form, imported prior to January 1, 1955, for use in any statue, monument, or memorial authorized by law to be erected on Federal property.

Approved August 28, 1954.

Public Law 694

CHAPTER 1045

AN ACT

August 28, 1954
[H. R. 9248]

To amend section 308 (5) of the Tariff Act of 1930, as amended.

Automobiles, etc. 46 Stat. 690. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 308 (5) of the Tariff Act of 1930, as amended (U. S. C. 19: 1308 (5)), is further amended to read as follows:

"(5) Automobiles, motorcycles, bicycles, airplanes, airships, balloons, boats, racing shells, and similar vehicles and craft, and the usual equipment of the foregoing; all the foregoing which are brought temporarily into the United States by nonresidents for the purpose of taking part in races or other specific contests; and, in the case of vehicles and craft entered under this subdivision to take part in races or other specific contests for other than money purses, collectors of customs, under such regulations as the Secretary of the Treasury may prescribe, may defer the exaction of a bond for not to exceed ninety days after the date of importation, but unless such vehicle or craft is exported or the bond is given within the period of such deferment, such vehicle or craft shall be subject to forfeiture."

Book binding or cover. 19 USC 1201, par. 1631. SEC. 2. (a) Paragraph 1631 of the Tariff Act of 1930, as amended, is amended by inserting "book binding or cover" after "book,".

(b) The amendment made by this section shall be effective as to articles entered for consumption or withdrawn from warehouse for consumption on or after the tenth day following the date of this Act and prior to September 1, 1956.

Approved August 28, 1954.

Public Law 695

CHAPTER 1046

AN ACT

To provide increases in the monthly rates of compensation payable to certain veterans and their dependents.

August 28, 1954
[H. R. 9020]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all monthly wartime rates of compensation payable under laws administered by the Veterans' Administration for disability, including the special statutory awards except as hereinafter provided, are hereby increased by 5 per centum: *Provided*, That such increases shall not apply to dependency allowances, subsistence allowances, or the special awards and allowances provided under subparagraphs (k) and (q), paragraph II, part I, Veterans Regulation Numbered 1 (a), as amended, or the last paragraph of section 202 (3) and the penultimate paragraph of section 202 (7), World War Veterans' Act, 1924, as amended: *Provided further*, That in any case the rate of compensation, as increased herein, shall be further adjusted upward or downward to the nearest dollar.

Veterans and dependents.
Compensation increase.

66 Stat. 295.
38 USC ch. 12A.
66 Stat. 296.
38 USC 473, 480.

(b) In adjusting the rates of peacetime disability compensation pursuant to paragraph II, part II, Veterans Regulation Numbered 1 (a), as amended, because of the increases provided in subsection (a), such rates shall be further adjusted upward or downward to the nearest dollar.

62 Stat. 1219.
38 USC ch. 12A.

(c) The maximum rate of compensation of \$400 per month set forth in subparagraph (k), paragraph II, part I, Veterans Regulation Numbered 1 (a), as amended, is hereby increased to \$420 per month.

66 Stat. 295.
38 USC ch. 12A.

SEC. 2. The monthly rate of death compensation authorized under paragraph IV, part I, Veterans Regulation Numbered 1 (a), as amended, for a widow but no child is hereby increased from \$75 to \$87, and the rate of such compensation for a dependent mother or father is increased from \$60 to \$75, or if both are dependent, from \$35 to \$40 each.

66 Stat. 90.
38 USC ch. 12A.

SEC. 3. This Act shall take effect on the first day of the second calendar month following the date of its enactment.

Effective date.

Approved August 28, 1954.

Public Law 696

CHAPTER 1047

AN ACT

To permit retired members of the uniformed services to revoke elections made under the Uniformed Services Contingency Option Act of 1953 in certain cases where the elections were made because of mathematical errors or misinformation.

August 28, 1954
[H. R. 9302]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That retired members of the uniformed services who have elected under section 3 (b) of the Uniformed Services Contingency Option Act of 1953 (Public Law 239, Eighty-third Congress) to receive a reduced amount of retired pay in order to provide an annuity under such public law may, within sixty days after the date of enactment of this Act, revoke such elections. A retired member may revoke an election under this Act only if he can establish to the satisfaction of the Secretary concerned that he made such election because he was misinformed as to his rights under the Uniformed Services Contingency Option Act of 1953 or because he made a substantial mathematical error in computing the cost of the benefits which he would derive under that Act and that such misinformation or error has resulted in undue hardship. The

Uniformed services contingency options.
Revocation of elections.
67 Stat. 502.
37 USC 372(b).

37 USC 371 note.

Secretary concerned may revoke an election made by him on behalf of a mentally incompetent member when it is established to his satisfaction that such election has resulted in undue hardship. A retired member whose election is revoked under this Act shall have refunded to him a sum which represents the difference between the amount by which his retired pay has been reduced in accordance with his election and the cost of an amount of term insurance which is equal to the protection provided his dependents during the period his election was in effect. A retired member whose election is revoked under this Act shall not thereafter be permitted to be covered in any way under the Uniformed Services Contingency Option Act of 1953.

SEC. 2. Terms used in this Act shall have the meaning assigned to them by the Uniformed Services Contingency Option Act of 1953.

SEC. 3. Payments of the refunds authorized by this Act may be made from appropriate current appropriations.

Approved August 28, 1954.

Public Law 697

CHAPTER 1048

August 28, 1954
[H. R. 9790]

AN ACT

To amend the Act of June 30, 1948, so as to extend for one year the authority of the Secretary of the Interior to issue patents for certain public lands in Monroe County, Michigan, held under color of title.

Monroe County,
Mich.

Land patents.
67 Stat. 581.

Effective date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing the Secretary of the Interior to issue patents for lands held under color of title", approved June 30, 1948 (Public Law 856, Eightieth Congress), as amended, is amended by striking out "within six years after passage of this Act" and inserting in lieu thereof "within seven years after passage of this Act".

SEC. 2. The amendment made by the first section of this Act shall take effect as of June 29, 1954.

Approved August 28, 1954.

Public Law 698

CHAPTER 1049

August 28, 1954
[H. R. 9962]

AN ACT

To increase by 5 per centum the rates of pension payable to veterans and their dependents.

Veterans' pen-
sions.
Increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all monthly rates of pension for disability, age, or death payable to veterans or their dependents under any public law administered by the Veterans' Administration are hereby increased by 5 per centum, subject to the provisions of subsection (b) of this section.

(b) Subsection (a) shall not apply to pension payable under sections 4756 or 4757 of the Revised Statutes, as amended (38 U. S. C. 229, 230), the Act of April 27, 1916 (39 Stat. 53), as amended (38 U. S. C. 391 and the following), or the Act of February 28, 1929 (45 Stat. 1409).

Effective date.

SEC. 2. This Act shall take effect on the first day of the second calendar month following the date of its enactment.

Approved August 28, 1954.

Public Law 699

CHAPTER 1050

JOINT RESOLUTION

Authorizing the President to invite the States of the Union and foreign countries to participate in the First International Instrument Congress and Exposition to be held in Philadelphia, Pennsylvania, from September 13 to September 25, 1954.

August 28, 1954
[H. J. Res. 257]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized, by proclamation or in such other manner as he may deem proper, to invite the States of the Union and foreign countries to participate in the First International Instrument Congress and Exposition, to be held at Philadelphia, Pennsylvania, from September 13 to September 25, 1954, inclusive, for the purpose of exhibiting instruments and devices for measurement, inspection, testing, and automatic control (including analytical instruments, astronomical instruments, aviation instruments, automatic control valves, cameras, drafting instruments, electrical and electronic components, electrical and electronic measuring instruments, electronic computers, geophysical instruments, machine-shop gages and inspection devices, measuring pumps, meteorological instruments, scales and balances, servomechanisms, surveying instruments, watches, timers and timepieces, and other precision devices and machinery for precision working), and for the purpose of bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce in such products.

First International Instrument Congress and Exposition.

Approved August 28, 1954.

Public Law 700

CHAPTER 1051

JOINT RESOLUTION

Fixing the time of assembly of the Eighty-fourth Congress.

August 28, 1954
[H. J. Res. 585]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Eighty-fourth Congress shall assemble at noon on Wednesday, January 5, 1955.

Approved August 28, 1954.

Public Law 701

CHAPTER 1052

AN ACT

To validate certain payments for accrued leave made to members of the Armed Forces who accepted discharges for the purpose of immediate reenlistment for an indefinite period.

August 28, 1954
[S. 22]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a), notwithstanding the provisions of section 4 (c) of the Armed Forces Leave Act of 1946, as amended (37 U. S. C. 33 (c)), any payments for accrued leave heretofore erroneously made to any member of the Armed Forces who was discharged after August 31, 1946, for the purpose of immediate reenlistment for an indefinite period are hereby validated.

Armed Forces.
Validation of
leave payments.
61 Stat. 748.

(b) The Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers for any payment validated by this Act.

Approved August 28, 1954.

Public Law 702

CHAPTER 1053

AN ACT

August 28, 1954
[S. 3873]

To provide survivor benefits for widows of the Chief Justice and the Associate Justices of the Supreme Court of the United States.

Supreme Court
Justices.
Survivor bene-
fits.
62 Stat. 903.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 17 of title 28, of the United States Code, as amended, is amended by adding at the end thereof the following new section:

“§ 375. Annuities to widows of the Chief Justice and Associate Justices of the Supreme Court of the United States

“(a) The Director of the Administrative Office of the United States Courts shall pay to the surviving widow, if any, of a Justice of the United States who has died or who dies while in regular active service, or who has died or who dies after having retired or resigned under the provisions of this chapter, an annuity in the amount payable to the beneficiary under the Act of January 14, 1937 (50 Stat. 923, chapter 3).

“(b) An annuity granted under the provisions of this section shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month for which the annuity shall have accrued. Such annuity shall commence on the first day of the month in which any such Justice dies, or on the first day of the month in which this section is enacted, whichever is later, and shall terminate upon the death or remarriage of the annuitant.”

SEC. 2. The analysis of chapter 17 of title 28, of the United States Code, immediately preceding section 371, is amended by inserting at the end thereof the following:

“375. Annuities to widows of the Chief Justice and Associate Justices of the Supreme Court of the United States.”

Approved August 28, 1954.

Public Law 703

CHAPTER 1073

AN ACT

To amend the Atomic Energy Act of 1946, as amended, and for other purposes.

August 30, 1954
[H. R. 9757]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Act of 1946, as amended, is amended to read as follows:

Atomic Energy
Act of 1954.
60 Stat. 755.
42 USC 1801
note.

“ATOMIC ENERGY ACT OF 1954

“CHAPTER 1. DECLARATION, FINDINGS, AND PURPOSE

Post, p. 921.

“Sec. 1. Declaration.

“Sec. 2. Findings.

“Sec. 3. Purpose.

“CHAPTER 2. DEFINITIONS

Post, p. 922.

“Sec. 11. Definitions.

“CHAPTER 3. ORGANIZATION

Post, p. 924.

“Sec. 21. Atomic Energy Commission.

“Sec. 22. Members.

“Sec. 23. Office.

“Sec. 24. General Manager.

“Sec. 25. Divisions and Offices.

“Sec. 26. General Advisory Committee.

“Sec. 27. Military Liaison Committee.

“Sec. 28. Appointment of Army, Navy, or Air Force Officers.

“CHAPTER 4. RESEARCH

Post, p. 927.

“Sec. 31. Research Assistance.

“Sec. 32. Research by the Commission.

“Sec. 33. Research for Others.

“CHAPTER 5. PRODUCTION OF SPECIAL NUCLEAR MATERIAL

Post, p. 928.

“Sec. 41. Ownership and Operation of Production Facilities.

“Sec. 42. Irradiation of Materials.

“Sec. 43. Acquisition of Production Facilities.

“Sec. 44. Disposition of Energy.

“CHAPTER 6. SPECIAL NUCLEAR MATERIAL

Post, p. 929.

“Sec. 51. Special Nuclear Material.

“Sec. 52. Government Ownership of All Special Nuclear Material.

“Sec. 53. Domestic Distribution of Special Nuclear Material.

“Sec. 54. Foreign Distribution of Special Nuclear Material.

“Sec. 55. Acquisition.

“Sec. 56. Fair Price.

“Sec. 57. Prohibition.

“CHAPTER 7. SOURCE MATERIAL

Post, p. 932.

“Sec. 61. Source Material.

“Sec. 62. License for Transfers Required.

“Sec. 63. Domestic Distribution of Source Material.

“Sec. 64. Foreign Distribution of Source Material.

“Sec. 65. Reporting.

“Sec. 66. Acquisition.

“Sec. 67. Operations on Lands Belonging to the United States.

“Sec. 68. Public Lands.

“Sec. 69. Prohibition.

“CHAPTER 8. BYPRODUCT MATERIAL

Post, p. 935.

“Sec. 81. Domestic Distribution.

“Sec. 82. Foreign Distribution of Byproduct Material.

“CHAPTER 9. MILITARY APPLICATION OF ATOMIC ENERGY

Post, p. 936.

“Sec. 91. Authority.

“Sec. 92. Prohibition.

Post, p. 936.

"CHAPTER 10. ATOMIC ENERGY LICENSES

- "Sec. 101. License Required.
- "Sec. 102. Finding of Practical Value.
- "Sec. 103. Commercial Licenses.
- "Sec. 104. Medical Therapy and Research and Development.
- "Sec. 105. Antitrust Provisions.
- "Sec. 106. Classes of Facilities.
- "Sec. 107. Operators' Licenses.
- "Sec. 108. War or National Emergency.
- "Sec. 109. Component Parts of Facilities.
- "Sec. 110. Exclusions.

Post, p. 939.

"CHAPTER 11. INTERNATIONAL ACTIVITIES

- "Sec. 121. Effect of International Arrangements.
- "Sec. 122. Policies Contained in International Arrangements.
- "Sec. 123. Cooperation with other Nations.
- "Sec. 124. International Atomic Pool.

Post, p. 940.

"CHAPTER 12. CONTROL OF INFORMATION

- "Sec. 141. Policy.
- "Sec. 142. Classification and Declassification of Restricted Data.
- "Sec. 143. Department of Defense Participation.
- "Sec. 144. International Cooperation.
- "Sec. 145. Restrictions.
- "Sec. 146. General Provisions.

Post, p. 943.

"CHAPTER 13. PATENTS AND INVENTIONS

- "Sec. 151. Military Utilization.
- "Sec. 152. Inventions Conceived During Commission Contracts.
- "Sec. 153. Nonmilitary Utilization.
- "Sec. 154. Injunctions.
- "Sec. 155. Prior Art.
- "Sec. 156. Commission Patent Licenses.
- "Sec. 157. Compensation, Awards, and Royalties.
- "Sec. 158. Monopolistic Use of Patents.
- "Sec. 159. Federally Financed Research.
- "Sec. 160. Saving Clause.

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"CHAPTER 14. GENERAL AUTHORITY

- "Sec. 161. General Provisions.
- "Sec. 162. Contracts.
- "Sec. 163. Advisory Committees.
- "Sec. 164. Electric Utility Contracts.
- "Sec. 165. Contract Practices.
- "Sec. 166. Comptroller General Audit.
- "Sec. 167. Claim Settlements.
- "Sec. 168. Payments in lieu of Taxes.
- "Sec. 169. No Subsidy.

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"CHAPTER 15. COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

- "Sec. 171. Just Compensation.
- "Sec. 172. Condemnation of Real Property.
- "Sec. 173. Patent Application Disclosures.
- "Sec. 174. Attorney General Approval of Title.

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"CHAPTER 16. JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

- "Sec. 181. General.
- "Sec. 182. License Applications.
- "Sec. 183. Terms of Licenses.
- "Sec. 184. Inalienability of Licenses.
- "Sec. 185. Construction Permits.
- "Sec. 186. Revocation.
- "Sec. 187. Modification of License.
- "Sec. 188. Continued Operation of Facilities.
- "Sec. 189. Hearings and Judicial Review.

"CHAPTER 17. JOINT COMMITTEE ON ATOMIC ENERGY

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- "Sec. 201. Membership.
- "Sec. 202. Authority and Duty.
- "Sec. 203. Chairman.
- "Sec. 204. Powers.
- "Sec. 205. Staff and Assistance.
- "Sec. 206. Classification of Information.
- "Sec. 207. Records.

"CHAPTER 18. ENFORCEMENT

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- "Sec. 221. General Provisions.
- "Sec. 222. Violation of Specific Sections.
- "Sec. 223. Violation of Sections Generally.
- "Sec. 224. Communication of Restricted Data.
- "Sec. 225. Receipt of Restricted Data.
- "Sec. 226. Tampering with Restricted Data.
- "Sec. 227. Disclosure of Restricted Data.
- "Sec. 228. Statute of Limitations.
- "Sec. 229. Other Laws.
- "Sec. 230. Injunction Proceedings.
- "Sec. 231. Contempt Proceedings.

"CHAPTER 19. MISCELLANEOUS

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- "Sec. 241. Transfer of Property.
- "Sec. 251. Report to Congress.
- "Sec. 261. Appropriations.
- "Sec. 271. Agency Jurisdiction.
- "Sec. 272. Applicability of Federal Power Act.
- "Sec. 273. Licensing of Government Agencies.
- "Sec. 281. Separability.
- "Sec. 291. Short Title.

"CHAPTER 1. DECLARATION, FINDINGS, AND PURPOSE

"SECTION 1. DECLARATION.—Atomic energy is capable of application for peaceful as well as military purposes. It is therefore declared to be the policy of the United States that—

Policy of U. S.

"a. the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security; and

"b. the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.

"SEC. 2. FINDINGS.—The Congress of the United States hereby makes the following findings concerning the development, use, and control of atomic energy:

"a. The development, utilization, and control of atomic energy for military and for all other purposes are vital to the common defense and security.

"b. In permitting the property of the United States to be used by others, such use must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public.

"c. The processing and utilization of source, byproduct, and special nuclear material affect interstate and foreign commerce and must be regulated in the national interest.

"d. The processing and utilization of source, byproduct, and special nuclear material must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public.

"e. Source and special nuclear material, production facilities, and utilization facilities are affected with the public interest, and regulation by the United States of the production and utilization of atomic energy and of the facilities used in connection therewith is necessary in the national interest to assure the common defense and security and to protect the health and safety of the public.

"f. The necessity for protection against possible interstate damage occurring from the operation of facilities for the production or utilization of source or special nuclear material places the operation of those facilities in interstate commerce for the purposes of this Act.

"g. Funds of the United States may be provided for the development and use of atomic energy under conditions which will provide for the common defense and security and promote the general welfare.

"h. It is essential to the common defense and security that title to all special nuclear material be in the United States while such special nuclear material is within the United States.

Programs.

"SEC. 3. PURPOSE.—It is the purpose of this Act to effectuate the policies set forth above by providing for—

"a. a program of conducting, assisting, and fostering research and development in order to encourage maximum scientific and industrial progress;

"b. a program for the dissemination of unclassified scientific and technical information and for the control, dissemination, and declassification of Restricted Data, subject to appropriate safeguards, so as to encourage scientific and industrial progress;

"c. a program for Government control of the possession, use, and production of atomic energy and special nuclear material so directed as to make the maximum contribution to the common defense and security and the national welfare;

"d. a program to encourage widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public;

"e. a program of international cooperation to promote the common defense and security and to make available to cooperating nations the benefits of peaceful applications of atomic energy as widely as expanding technology and considerations of the common defense and security will permit; and

"f. a program of administration which will be consistent with the foregoing policies and programs, with international arrangements, and with agreements for cooperation, which will enable the Congress to be currently informed so as to take further legislative action as may be appropriate.

"CHAPTER 2. DEFINITIONS

"SEC. 11. DEFINITIONS.—The intent of Congress in the definitions as given in this section should be construed from the words or phrases used in the definitions. As used in this Act:

"Agency of the U. S."

"a. The term 'agency of the United States' means the executive branch of the United States, or any Government agency, or the legislative branch of the United States, or any agency, committee, commission, office, or other establishment in the legislative branch, or the judicial branch of the United States, or any office, agency, committee, commission, or other establishment in the judicial branch.

"Agreement for cooperation."

"b. The term 'agreement for cooperation' means any agreement with another nation or regional defense organization, authorized or permitted by sections 54, 57, 64, 82, 103, 104, or 144, and made pursuant to section 123.

"c. The term 'atomic energy' means all forms of energy released in the course of nuclear fission or nuclear transformation. "Atomic energy."

"d. The term 'atomic weapon' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device. "Atomic weapon."

"e. The term 'byproduct material' means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material. "Byproduct materials."

"f. The term 'Commission' means the Atomic Energy Commission. "Commission."

"g. The term 'common defense and security' means the common defense and security of the United States.

"h. The term 'defense information' means any information in any category determined by any Government agency authorized to classify information, as being information respecting, relating to, or affecting the national defense. "Defense information."

"i. The term 'design' means (1) specifications, plans, drawings, blueprints, and other items of like nature; (2) the information contained therein; or (3) the research and development data pertinent to the information contained therein. "Design."

"j. The term 'Government agency' means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government. "Government agency."

"k. The term 'international arrangement' means any international agreement hereafter approved by the Congress or any treaty during the time such agreement or treaty is in full force and effect, but does not include any agreement for cooperation. "International arrangement."

"l. The term 'Joint Committee' means the Joint Committee on Atomic Energy. "Joint Committee."

"m. The term 'operator' means any individual who manipulates the controls of a utilization or production facility. "Operator."

"n. The term 'person' means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing. "Person."

"o. The term 'produce', when used in relation to special nuclear material, means (1) to manufacture, make, produce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such material may be contained; or (3) to make or to produce new special nuclear material. "Produce."

"p. The term 'production facility' means (1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission. "Production facility."

"q. The term 'research and development' means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration pur- "Research and development."

- poses, including the experimental production and testing of models, devices, equipment, materials, and processes.
- "Restricted Data."** "r. The term 'Restricted Data' means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142.
- "Source material."** "s. The term 'source material' means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time.
- "Special nuclear material."** "t. The term 'special nuclear material' means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.
- "United States."** "u. The term 'United States', when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone.
- "Utilization facility."** "v. The term 'utilization facility' means (1) any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

"CHAPTER 3. ORGANIZATION

- "SEC. 21. ATOMIC ENERGY COMMISSION.**—There is hereby established an Atomic Energy Commission, which shall be composed of five members, each of whom shall be a citizen of the United States. The President shall designate one member of the Commission as Chairman thereof to serve as such during the pleasure of the President. The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or Acting Chairman in the absence of the Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public, and, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct. The Commission shall have an official seal which shall be judicially noticed.
- "SEC. 22. MEMBERS.**—
- "a. Members of the Commission shall be appointed by the Presi-**
- Action.**
- Seal.**
- Appointment terms, etc.**

dent, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and qualifications of the nominee. The term of office of each member of the Commission taking office after June 30, 1950, shall be five years, except that (1) the terms of office of the members first taking office after June 30, 1950, shall expire, as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after June 30, 1950; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the Chairman, shall receive compensation at the rate of \$18,000 per annum; and the member designated as Chairman shall receive compensation at the rate of \$20,000 per annum.

"b. No member of the Commission shall engage in any business, vocation, or employment other than that of serving as a member of the Commission.

"SEC. 23. OFFICE.—The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia.

"SEC. 24. GENERAL MANAGER.—There is hereby established within the Commission a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate determined by the Commission, but not in excess of \$20,000 per annum.

"SEC. 25. DIVISIONS AND OFFICES.—There is hereby established within the Commission—

"a. a Division of Military Application and such other program divisions (not to exceed ten in number) as the Commission may determine to be necessary to the discharge of its responsibilities, including a division or divisions the primary responsibilities of which include the development and application of civilian uses of atomic energy. Each such division shall be under the direction of a Director who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of \$16,000 per annum. The Director of the Division of Military Application shall be an active member of the Armed Forces. The Commission shall require each such division to exercise such of the Commission's administrative and executive powers as the Commission may determine;

"b. an Office of the General Counsel under the direction of the General Counsel who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of \$16,000 per annum; and

"c. an Inspection Division under the direction of a Director who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of \$16,000 per annum. The Inspection Division shall be responsible for gathering information to show whether or not the contractors, licensees, and officers and employees of the Commis-

Program divisions.

Directors.

General Counsel.

Inspection Division.

sion are complying with the provisions of this Act (except those provisions for which the Federal Bureau of Investigation is responsible) and the appropriate rules and regulations of the Commission.

"SEC. 26. GENERAL ADVISORY COMMITTEE.—There shall be a General Advisory Committee to advise the Commission on scientific and technical matters relating to materials, production, and research and development, to be composed of nine members, who shall be appointed from civilian life by the President. Each member shall hold office for a term of six years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (b) the terms of office of the members first taking office after August 1, 1946, shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after August 1, 1946. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee.

"SEC. 27. MILITARY LIAISON COMMITTEE.—There is hereby established a Military Liaison Committee consisting of—

"a. a Chairman, who shall be the head thereof and who shall be appointed by the President, by and with the advice and consent of the Senate, who shall serve at the pleasure of the President, and who shall receive compensation at the rate prescribed for an Assistant Secretary of Defense; and

"b. a representative or representatives from each of the Departments of the Army, Navy, and Air Force, in equal numbers, as determined by the Secretary of Defense, to be assigned from each Department by the Secretary thereof, and who will serve without additional compensation.

The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence. The Commission shall advise and consult with the Department of Defense, through the Committee, on all atomic energy matters which the Department of Defense deems to relate to military applications of atomic weapons or atomic energy including the development, manufacture, use, and storage of atomic weapons, the allocation of special nuclear material for military research, and the control of information relating to the manufacture or utilization of atomic weapons; and shall keep the Department of Defense, through the Committee, fully and currently informed of all such matters before the Commission. The Department of Defense, through the Committee, shall keep the Commission fully and currently informed on all matters within the Department of Defense which the Commission deems to relate to the development or application of atomic energy. The Department of Defense, through the Committee, shall have the authority to make written recommendations to the Commission from time to time on matters relating to military applications of atomic energy as the Department of Defense may deem appropriate. If the Department of Defense at any time concludes that any request, action, proposed action, or failure to act on the part of the Commission is adverse to the responsibilities of the Department of Defense, the Secretary of Defense shall refer the matter to the President whose decision shall be final.

Authority of Defense Department.

Director, Division of Military Application.

"SEC. 28. APPOINTMENT OF ARMY, NAVY, OR AIR FORCE OFFICERS.—Notwithstanding the provisions of any other law, any active officer of

the Army, Navy, or Air Force may serve as Director of the Division of Military Application without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation prescribed in section 25. Notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Military Liaison Committee without prejudice to his active or retired status as such officer. Any such officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, or in addition to his retired pay, an amount equal to the difference between such pay and allowances, including special and incentive pays, or between his retired pay, and the compensation prescribed for the Chairman of the Military Liaison Committee.

Chairman, Military Liaison Committee.

“CHAPTER 4. RESEARCH

“SEC. 31. RESEARCH ASSISTANCE.—

“a. The Commission is directed to exercise its powers in such manner as to insure the continued conduct of research and development activities in the fields specified below, by private or public institutions or persons, and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities relating to—

- “(1) nuclear processes;
- “(2) the theory and production of atomic energy, including processes, materials, and devices related to such production;
- “(3) utilization of special nuclear material and radioactive material for medical, biological, agricultural, health, or military purposes;
- “(4) utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial uses, the generation of usable energy, and the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes; and
- “(5) the protection of health and the promotion of safety during research and production activities.

“b. The Commission may (1) make arrangements pursuant to this section, without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable; (2) make partial and advance payments under such arrangements; and (3) make available for use in connection therewith such of its equipment and facilities as it may deem desirable.

41 USC 5.

“c. The arrangements made pursuant to this section shall contain such provisions (1) to protect health, (2) to minimize danger to life or property, and (3) to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine. No such arrangement shall contain any provisions or conditions which prevent the dissemination of scientific or technical information, except to the extent such dissemination is prohibited by law.

"SEC. 32. RESEARCH BY THE COMMISSION.—The Commission is authorized and directed to conduct, through its own facilities, activities and studies of the types specified in section 31.

"SEC. 33. RESEARCH FOR OTHERS.—Where the Commission finds private facilities or laboratories are inadequate to the purpose, it is authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of atomic energy. The Commission is authorized to determine and make such charges as in its discretion may be desirable for the conduct of such activities and studies.

"CHAPTER 5. PRODUCTION OF SPECIAL NUCLEAR MATERIAL

"SEC. 41. OWNERSHIP AND OPERATION OF PRODUCTION FACILITIES.—

"a. OWNERSHIP OF PRODUCTION FACILITIES.—The Commission, as agent of and on behalf of the United States, shall be the exclusive owner of all production facilities other than facilities which (1) are useful in the conduct of research and development activities in the fields specified in section 31, and do not, in the opinion of the Commission, have a potential production rate adequate to enable the user of such facilities to produce within a reasonable period of time a sufficient quantity of special nuclear material to produce an atomic weapon; or (2) are licensed by the Commission pursuant to section 103 or 104.

"b. OPERATION OF THE COMMISSION'S PRODUCTION FACILITIES.—The Commission is authorized and directed to produce or to provide for the production of special nuclear material in its own production facilities. To the extent deemed necessary, the Commission is authorized to make, or to continue in effect, contracts with persons obligating them to produce special nuclear material in facilities owned by the Commission. The Commission is also authorized to enter into research and development contracts authorizing the contractor to produce special nuclear material in facilities owned by the Commission to the extent that the production of such special nuclear material may be incident to the conduct of research and development activities under such contracts. Any contract entered into under this section shall contain provisions (1) prohibiting the contractor from subcontracting any part of the work he is obligated to perform under the contract, except as authorized by the Commission; and (2) obligating the contractor (A) to make such reports pertaining to activities under the contract to the Commission as the Commission may require, (B) to submit to inspection by employees of the Commission of all such activities, and (C) to comply with all safety and security regulations which may be prescribed by the Commission. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under such contracts. The President shall determine in writing at least once each year the quantities of special nuclear material to be produced under this section and shall specify in such determination the quantities of special nuclear material to be available for distribution by the Commission pursuant to section 53 or 54.

"C. OPERATION OF OTHER PRODUCTION FACILITIES.—Special nuclear material may be produced in the facilities which under this section are not required to be owned by the Commission.

"SEC. 42. IRRADIATION OF MATERIALS.—The Commission and persons lawfully producing or utilizing special nuclear material are authorized to expose materials of any kind to the radiation incident to the processes of producing or utilizing special nuclear material.

"SEC. 43. ACQUISITION OF PRODUCTION FACILITIES.—The Commission is authorized to purchase any interest in facilities for the production of special nuclear materials, or in real property on which such facilities are located, without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. The Commission is further authorized to requisition, condemn, or otherwise acquire any interest in such production facilities, or to condemn or otherwise acquire such real property, and just compensation shall be made therefor.

41 USC 5.

"SEC. 44. DISPOSITION OF ENERGY.—If energy is produced at production facilities of the Commission or is produced in experimental utilization facilities of the Commission, such energy may be used by the Commission, or transferred to other Government agencies, or sold to publicly, cooperatively, or privately owned utilities or users at reasonable and nondiscriminatory prices. If the energy produced is electric energy, the price shall be subject to regulation by the appropriate agency having jurisdiction. In contracting for the disposal of such energy, the Commission shall give preference and priority to public bodies and cooperatives or to privately owned utilities providing electric utility services to high cost areas not being served by public bodies or cooperatives. Nothing in this Act shall be construed to authorize the Commission to engage in the sale or distribution of energy for commercial use except such energy as may be produced by the Commission incident to the operation of research and development facilities of the Commission, or of production facilities of the Commission.

"CHAPTER 6. SPECIAL NUCLEAR MATERIAL

"SEC. 51. SPECIAL NUCLEAR MATERIAL.—The Commission may determine from time to time that other material is special nuclear material in addition to that specified in the definition as special nuclear material. Before making any such determination, the Commission must find that such material is capable of releasing substantial quantities of atomic energy and must find that the determination that such material is special nuclear material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment for more than three days) before the determination of the Commission may become effective: *Provided, however*, That the Joint Committee, after having received such determination, may by resolution in writing, waive the conditions of or all or any portion of such thirty-day period.

"SEC. 52. GOVERNMENT OWNERSHIP OF ALL SPECIAL NUCLEAR MATERIAL.—All rights, title, and interest in or to any special nuclear

material within or under the jurisdiction of the United States, now or hereafter produced, shall be the property of the United States and shall be administered and controlled by the Commission as agent of and on behalf of the United States by virtue of this Act. Any person owning any interest in any special nuclear material at the time when such material is hereafter determined to be a special nuclear material shall be paid just compensation therefor. Any person who lawfully produces any special nuclear material, except pursuant to a contract with the Commission under the provisions of section 31 or 41, shall be paid a fair price, determined pursuant to section 56, for producing such material.

“SEC. 53. DOMESTIC DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—

Licenses.

“a. The Commission is authorized to issue licenses for the possession of, to make available for the period of the license, and to distribute special nuclear material within the United States to qualified applicants requesting such material—

“(1) for the conduct of research and development activities of the types specified in section 31;

“(2) for use in the conduct of research and development activities or in medical therapy under a license issued pursuant to section 104; or

“(3) for use under a license issued pursuant to section 103.

“b. The Commission shall establish, by rule, minimum criteria for the issuance of specific or general licenses for the distribution of special nuclear material depending upon the degree of importance to the common defense and security or to the health and safety of the public of—

“(1) the physical characteristics of the special nuclear material to be distributed;

“(2) the quantities of special nuclear material to be distributed; and

“(3) the intended use of the special nuclear material to be distributed.

Charges.

“c. The Commission may make a reasonable charge, determined pursuant to this section, for the use of special nuclear material licensed and distributed under subsection 53 a. (1) or subsection 53 a. (2) and shall make a reasonable charge determined pursuant to this section for the use of special nuclear material licensed and distributed under subsection 53 a. (3). The Commission shall establish criteria in writing for the determination of whether a charge will be made for the use of special nuclear material licensed and distributed under subsection 53 a. (1) or subsection 53 a. (2), considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the special nuclear material will be used.

“d. In determining the reasonable charge to be made by the Commission for the use of special nuclear material distributed to licensees of utilization or production facilities licensed pursuant to section 103 or 104, in addition to consideration of the cost thereof, the Commission shall take into consideration—

“(1) the use to be made of the special nuclear material;

“(2) the extent to which the use of the special nuclear material will advance the development of the peaceful uses of atomic energy;

“(3) the energy value of the special nuclear material in the particular use for which the license is issued;

“(4) whether the special nuclear material is to be used in facilities licensed pursuant to section 103 or 104. In this respect, the Commission shall, insofar as practicable, make uniform, non-discriminatory charges for the use of special nuclear material distributed to facilities licensed pursuant to section 103; and

"(5) with respect to special nuclear material consumed in a facility licensed pursuant to section 103, the Commission shall make a further charge based on the cost to the Commission, as estimated by the Commission, or the average fair price paid for the production of such special nuclear material as determined by section 56, whichever is lower.

"e. Each license issued pursuant to this section shall contain and be subject to the following conditions—

License conditions.

"(1) title to all special nuclear material shall at all times be in the United States;

"(2) no right to the special nuclear material shall be conferred by the license except as defined by the license;

"(3) neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of this Act;

"(4) all special nuclear material shall be subject to the right of recapture or control reserved by section 108 and to all other provisions of this Act;

"(5) no special nuclear material may be used in any utilization or production facility except in accordance with the provisions of this Act;

"(6) special nuclear material shall be distributed only on terms, as may be established by rule of the Commission, such that no user will be permitted to construct an atomic weapon;

"(7) special nuclear material shall be distributed only pursuant to such safety standards as may be established by rule of the Commission to protect health and to minimize danger to life or property; and

"(8) the licensee will hold the United States and the Commission harmless from any damages resulting from the use or possession of special nuclear material by the licensee.

"f. The Commission is directed to distribute within the United States sufficient special nuclear material to permit the conduct of widespread independent research and development activities to the maximum extent practicable and within the limitations set by the President pursuant to section 41. In the event that applications for special nuclear material exceed the amount available for distribution, preference shall be given to those activities which are most likely, in the opinion of the Commission, to contribute to basic research, to the development of peacetime uses of atomic energy, or to the economic and military strength of the Nation.

Distribution for independent research, etc.

"SEC. 54. FOREIGN DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—The Commission is authorized to cooperate with any nation by distributing special nuclear material and to distribute such special nuclear material, pursuant to the terms of an agreement for cooperation to which such nation is a party and which is made in accordance with section 123.

"SEC. 55. ACQUISITION.—The Commission is authorized to purchase or otherwise acquire any special nuclear material or any interest therein outside the United States without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes.

41 USC 5.

"SEC. 56. FAIR PRICE.—In determining the fair price to be paid by the Commission pursuant to section 52 for the production of any special nuclear material, the Commission shall take into consideration the value of the special nuclear material for its intended use by the United

States and may give such weight to the actual cost of producing that material as the Commission finds to be equitable. The fair price, as may be determined by the Commission, shall apply to all licensed producers of the same material: *Provided, however*, That the Commission may establish guaranteed fair prices for all special nuclear material delivered to the Commission for such period of time as it may deem necessary but not to exceed seven years.

"SEC. 57. PROHIBITION.—

"a. It shall be unlawful for any person to—

"(1) possess or transfer any special nuclear material which is the property of the United States except as authorized by the Commission pursuant to subsection 53 a.;

"(2) transfer or receive any special nuclear material in interstate commerce except as authorized by the Commission pursuant to subsection 53 a., or export from or import into the United States any special nuclear material; and

"(3) directly or indirectly engage in the production of any special nuclear material outside of the United States except (A) under an agreement for cooperation made pursuant to section 123, or (B) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States.

"b. The Commission shall not distribute any special nuclear material—

"(1) to any person for a use which is not under the jurisdiction of the United States except pursuant to the provisions of section 54; or

"(2) to any person within the United States, if the Commission finds that the distribution of such special nuclear material to such person would be inimical to the common defense and security.

"CHAPTER 7. SOURCE MATERIAL

"SEC. 61. SOURCE MATERIAL.—The Commission may determine from time to time that other material is source material in addition to those specified in the definition of source material. Before making such determination, the Commission must find that such material is essential to the production of special nuclear material and must find that the determination that such material is source material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days) before the determination of the Commission may become effective: *Provided, however*, That the Joint Committee, after having received such determination, may by resolution in writing waive the conditions of or all or any portion of such thirty-day period.

Submittal of determination to Joint Committee.

"SEC. 62. LICENSE FOR TRANSFERS REQUIRED.—Unless authorized by a general or specific license issued by the Commission, which the Commission is hereby authorized to issue, no person may transfer or receive in interstate commerce, transfer, deliver, receive possession of or title to, or import into or export from the United States any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source material which, in the opinion of the Commission, are unimportant.

"SEC. 63. DOMESTIC DISTRIBUTION OF SOURCE MATERIAL.—

"a. The Commission is authorized to issue licenses for and to distribute source material within the United States to qualified applicants requesting such material—

Licenses.

"(1) for the conduct of research and development activities of the types specified in section 31;

"(2) for use in the conduct of research and development activities or in medical therapy under a license issued pursuant to section 104;

"(3) for use under a license issued pursuant to section 103; or

"(4) for any other use approved by the Commission as an aid to science or industry.

"b. The Commission shall establish, by rule, minimum criteria for the issuance of specific or general licenses for the distribution of source material depending upon the degree of importance to the common defense and security or to the health and safety of the public of—

"(1) the physical characteristics of the source material to be distributed;

"(2) the quantities of source material to be distributed; and

"(3) the intended use of the source material to be distributed.

"c. The Commission may make a reasonable charge determined pursuant to subsection 161 m. for the source material licensed and distributed under subsection 63 a. (1), subsection 63 a. (2), or subsection 63 a. (4), and shall make a reasonable charge determined pursuant to subsection 161 m., for the source material licensed and distributed under subsection 63 a. (3). The Commission shall establish criteria in writing for the determination of whether a charge will be made for the source material licensed and distributed under subsection 63 a. (1), subsection 63 a. (2), or subsection 63 a. (4), considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the source material will be used.

Charges.

"SEC. 64. FOREIGN DISTRIBUTION OF SOURCE MATERIAL.—The Commission is authorized to cooperate with any nation by distributing source material and to distribute source material pursuant to the terms of an agreement for cooperation to which such nation is a party and which is made in accordance with section 123. The Commission is also authorized to distribute source material outside of the United States upon a determination by the Commission that such activity will not be inimical to the interests of the United States.

"SEC. 65. REPORTING.—The Commission is authorized to issue such rules, regulations, or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source material as it may deem necessary, except that such reports shall not be required with respect to (a) any source material prior to removal from its place of deposit in nature, or (b) quantities of source material which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

"SEC. 66. ACQUISITION.—The Commission is authorized and directed, to the extent it deems necessary to effectuate the provisions of this Act—

"a. to purchase, take, requisition, condemn, or otherwise acquire supplies of source material;

"b. to purchase, condemn, or otherwise acquire any interest in real property containing deposits of source material; and

"c. to purchase, condemn, or otherwise acquire rights to enter upon any real property deemed by the Commission to have possibilities of containing deposits of source material in order to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this section may be made without regard to

41 USC 5.

the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advanced payments may be made under contracts for such purposes. The Commission may establish guaranteed prices for all source material delivered to it within a specified time. Just compensation shall be made for any right, property, or interest in property taken, requisitioned, condemned, or otherwise acquired under this section.

“SEC. 67. OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining of, or removal of deposits of source material in lands belonging to the United States: *Provided, however,* That notwithstanding any other provisions of law, such leases or permits may be issued for lands administered for national park, monument, and wildlife purposes only when the President by Executive Order declares that the requirements of the common defense and security make such action necessary.

“SEC. 68. PUBLIC LANDS.—

“a. No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic energy program, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit.

“b. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the Government agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation. If any rights have been granted by the United States pursuant to any such reservation then such patent shall be made subject to those rights, but the patentee shall be subrogated to the rights of the United States.

“c. Notwithstanding the provisions of the Atomic Energy Act of 1946, as amended, and particularly section 5 (b) (7) thereof, or the provisions of the Act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for or based upon a discovery of a mineral deposit which is a source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a source material.

“SEC. 69. PROHIBITION.—The Commission shall not license any person to transfer or deliver, receive possession of or title to, or import into or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such

60 Stat. 755.
42 USC 1801
note, 1805(b)(7).
67 Stat. 539.
30 USC 501-505,
503.

purpose would be inimical to the common defense and security or the health and safety of the public.

“CHAPTER 8. BYPRODUCT MATERIAL

“SEC. 81. DOMESTIC DISTRIBUTION.—No person may transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, own, possess, import, or export any byproduct material, except to the extent authorized by this section or by section 82. The Commission is authorized to issue general or specific licenses to applicants seeking to use byproduct material for research or development purposes, for medical therapy, industrial uses, agricultural uses, or such other useful applications as may be developed. The Commission may distribute, sell, loan, or lease such byproduct material as it owns to licensees with or without charge: *Provided, however,* That, for byproduct material to be distributed by the Commission for a charge, the Commission shall establish prices on such equitable basis as, in the opinion of the Commission, (a) will provide reasonable compensation to the Government for such material, (b) will not discourage the use of such material or the development of sources of supply of such material independent of the Commission, and (c) will encourage research and development. In distributing such material, the Commission shall give preference to applicants proposing to use such material either in the conduct of research and development or in medical therapy. Licensees of the Commission may distribute byproduct material only to applicants therefor who are licensed by the Commission to receive such byproduct material. The Commission shall not permit the distribution of any byproduct material to any licensee, and shall recall or order the recall of any distributed material from any licensee, who is not equipped to observe or who fails to observe such safety standards to protect health as may be established by the Commission or who uses such material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor or approved by the Commission. The Commission is authorized to establish classes of byproduct material and to exempt certain classes or quantities of material or kinds of uses or users from the requirements for a license set forth in this section when it makes a finding that the exemption of such classes or quantities of such material or such kinds of uses or users will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

“SEC. 82. FOREIGN DISTRIBUTION OF BYPRODUCT MATERIAL.—

“a. The Commission is authorized to cooperate with any nation by distributing byproduct material, and to distribute byproduct material, pursuant to the terms of an agreement for cooperation to which such nation is party and which is made in accordance with section 123.

“b. The Commission is also authorized to distribute byproduct material to any person outside the United States upon application therefor by such person and demand such charge for such material as would be charged for the material if it were distributed within the United States: *Provided, however,* That the Commission shall not distribute any such material to any person under this section if, in its opinion, such distribution would be inimical to the common defense and security: *And provided further,* That the Commission may require such reports regarding the use of material distributed pursuant to the provisions of this section as it deems necessary.

“c. The Commission is authorized to license others to distribute byproduct material to any person outside the United States under the same conditions, except as to charges, as would be applicable if the material were distributed by the Commission.

“CHAPTER 9. MILITARY APPLICATION OF ATOMIC ENERGY

“SEC. 91. AUTHORITY.—

“a. The Commission is authorized to—

“(1) conduct experiments and do research and development work in the military application of atomic energy; and

“(2) engage in the production of atomic weapons, or atomic weapon parts, except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year.

“b. The President from time to time may direct the Commission (1) to deliver such quantities of special nuclear material or atomic weapons to the Department of Defense for such use as he deems necessary in the interest of national defense, or (2) to authorize the Department of Defense to manufacture, produce, or acquire any atomic weapon or utilization facility for military purposes: *Provided, however,* That such authorization shall not extend to the production of special nuclear material other than that incidental to the operation of such utilization facilities.

“SEC. 92. PROHIBITION.—It shall be unlawful for any person to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export any atomic weapon, except as may be authorized by the Commission pursuant to the provisions of section 91. Nothing in this section shall be deemed to modify the provisions of subsection 31 a. or section 101.

“CHAPTER 10. ATOMIC ENERGY LICENSES

“SEC. 101. LICENSE REQUIRED.—It shall be unlawful, except as provided in section 91, for any person within the United States to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export any utilization or production facility except under and in accordance with a license issued by the Commission pursuant to section 103 or 104.

“SEC. 102. FINDING OF PRACTICAL VALUE.—Whenever the Commission has made a finding in writing that any type of utilization or production facility has been sufficiently developed to be of practical value for industrial or commercial purposes, the Commission may thereafter issue licenses for such type of facility pursuant to section 103.

“SEC. 103. COMMERCIAL LICENSES.—

“a. Subsequent to a finding by the Commission as required in section 102, the Commission may issue licenses to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, such type of utilization or production facility. Such licenses shall be issued in accordance with the provisions of chapter 16 and subject to such conditions as the Commission may by rule or regulation establish to effectuate the purposes and provisions of this Act.

“b. The Commission shall issue such licenses on a nonexclusive basis to persons applying therefor (1) whose proposed activities will serve a useful purpose proportionate to the quantities of special nuclear material or source material to be utilized; (2) who are equipped to observe and who agree to observe such safety standards to protect health and to minimize danger to life or property as the Commission

may by rule establish; and (3) who agree to make available to the Commission such technical information and data concerning activities under such licenses as the Commission may determine necessary to promote the common defense and security and to protect the health and safety of the public. All such information may be used by the Commission only for the purposes of the common defense and security and to protect the health and safety of the public.

"c. Each such license shall be issued for a specified period, as determined by the Commission, depending on the type of activity to be licensed, but not exceeding forty years, and may be renewed upon the expiration of such period.

"d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 123, or except under the provisions of section 109. No license may be issued to any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

"SEC. 104. MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—

"a. The Commission is authorized to issue licenses to persons applying therefor for utilization facilities for use in medical therapy. In issuing such licenses the Commission is directed to permit the widest amount of effective medical therapy possible with the amount of special nuclear material available for such purposes and to impose the minimum amount of regulation consistent with its obligations under this Act to promote the common defense and security and to protect the health and safety of the public.

"b. The Commission is authorized to issue licenses to persons applying therefor for utilization and production facilities involved in the conduct of research and development activities leading to the demonstration of the practical value of such facilities for industrial or commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will be compatible with the regulations and terms of license which would apply in the event that a commercial license were later to be issued pursuant to section 103 for that type of facility. In issuing such licenses, priority shall be given to those activities which will, in the opinion of the Commission, lead to major advances in the application of atomic energy for industrial or commercial purposes.

"c. The Commission is authorized to issue licenses to persons applying therefor for utilization and production facilities useful in the conduct of research and development activities of the types specified in section 31 and which are not facilities of the type specified in subsection 104 b. The Commission is directed to impose only such minimum amount of regulation of the licensee as the Commission finds will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will permit the conduct of widespread and diverse research and development.

"d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities

under terms of an agreement for cooperation arranged pursuant to section 123 or except under the provisions of section 109. No license may be issued to any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

"SEC. 105. ANTITRUST PROVISIONS.—

"a. Nothing contained in this Act, including the provisions which vest title to all special nuclear material in the United States, shall relieve any person from the operation of the following Acts, as amended, 'An Act to protect trade and commerce against unlawful restraints and monopolies' approved July second, eighteen hundred and ninety; sections seventy-three to seventy-seven, inclusive, of an Act entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes' approved August twenty-seven, eighteen hundred and ninety-four; 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October fifteen, nineteen hundred and fourteen; and 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes' approved September twenty-six, nineteen hundred and fourteen. In the event a licensee is found by a court of competent jurisdiction, either in an original action in that court or in a proceeding to enforce or review the findings or orders of any Government agency having jurisdiction under the laws cited above, to have violated any of the provisions of such laws in the conduct of the licensed activity, the Commission may suspend, revoke, or take such other action as it may deem necessary with respect to any license issued by the Commission under the provisions of this Act.

"b. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of special nuclear material or atomic energy which appears to violate or to tend toward the violation of any of the foregoing Acts, or to restrict free competition in private enterprise.

"c. Whenever the Commission proposes to issue any license to any person under section 103, it shall notify the Attorney General of the proposed license and the proposed terms and conditions thereof, except such classes or types of licenses, as the Commission, with the approval of the Attorney General, may determine would not significantly affect the licensee's activities under the antitrust laws as specified in subsection 105 a. Within a reasonable time, in no event to exceed 90 days after receiving such notification, the Attorney General shall advise the Commission whether, insofar as he can determine, the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws, and such advice shall be published in the Federal Register. Upon the request of the Attorney General, the Commission shall furnish or cause to be furnished such information as the Attorney General determines to be appropriate or necessary to enable him to give the advice called for by this section.

"SEC. 106. CLASSES OF FACILITIES.—The Commission may—

"a. group the facilities licensed either under section 103 or under section 104 into classes which may include either production or utilization facilities or both, upon the basis of the similarity of operating and technical characteristics of the facilities;

"b. define the various activities to be carried on at each such class of facility; and

"c. designate the amounts of special nuclear material available for use by each such facility.

26 Stat. 209.
15 USC 1-7.

28 Stat. 570.
15 USC 8-11.
38 Stat. 730.
15 USC 12-27,
44; 18 USC 402;
29 USC 52, 53.
38 Stat. 717.
15 USC 41-48.

Publication in
FR.

"SEC. 107. OPERATORS' LICENSES.—The Commission shall—

"a. prescribe uniform conditions for licensing individuals as operators of any of the various classes of production and utilization facilities licensed in this Act;

"b. determine the qualifications of such individuals;

"c. issue licenses to such individuals in such form as the Commission may prescribe; and

"d. suspend such licenses for violations of any provision of this Act or any rule or regulation issued thereunder whenever the Commission deems such action desirable.

"SEC. 108. WAR OR NATIONAL EMERGENCY.—Whenever the Congress declares that a state of war or national emergency exists, the Commission is authorized to suspend any licenses granted under this Act if in its judgment such action is necessary to the common defense and security. The Commission is authorized during such period, if the Commission finds it necessary to the common defense and security, to order the recapture of any special nuclear material distributed under the provisions of subsection 53 a., or to order the operation of any facility licensed under section 103 or 104, and is authorized to order the entry into any plant or facility in order to recapture such material, or to operate such facility. Just compensation shall be paid for any damages caused by the recapture of any special nuclear material or by the operation of any such facility.

"SEC. 109. COMPONENT PARTS OF FACILITIES.—With respect to those utilization and production facilities which are so determined by the Commission pursuant to subsection 11 p. (2) or 11 v. (2) the Commission may (a) issue general licenses for activities required to be licensed under section 101, if the Commission determines in writing that such general licensing will not constitute an unreasonable risk to the common defense and security, and (b) issue licenses for the export of such facilities, if the Commission determines in writing that each export will not constitute an unreasonable risk to the common defense and security.

"SEC. 110. EXCLUSIONS.—Nothing in this chapter shall be deemed—

"a. to require a license for (1) the processing, fabricating, or refining of special nuclear material, or the separation of special nuclear material, or the separation of special nuclear material from other substances, under contract with and for the account of the Commission; or (2) the construction or operation of facilities under contract with and for the account of the Commission; or

"b. to require a license for the manufacture, production, or acquisition by the Department of Defense of any utilization facility authorized pursuant to section 91, or for the use of such facility by the Department of Defense or a contractor thereof.

"CHAPTER 11. INTERNATIONAL ACTIVITIES

"SEC. 121. EFFECT OF INTERNATIONAL ARRANGEMENTS.—Any provision of this Act or any action of the Commission to the extent and during the time that it conflicts with the provisions of any international arrangement made after the date of enactment of this Act shall be deemed to be of no force or effect.

"SEC. 122. POLICIES CONTAINED IN INTERNATIONAL ARRANGEMENTS.—In the performance of its functions under this Act, the Commission shall give maximum effect to the policies contained in any international arrangement made after the date of enactment of this Act.

"SEC. 123. COOPERATION WITH OTHER NATIONS.—No cooperation with any nation or regional defense organization pursuant to sections 54, 57, 64, 82, 103, 104, or 144 shall be undertaken until—

"a. the Commission or, in the case of those agreements for cooperation arranged pursuant to subsection 144 b., the Department of Defense has submitted to the President the proposed agreement for cooperation, together with its recommendation thereon, which proposed agreement shall include (1) the terms, conditions, duration, nature, and scope of the cooperation; (2) a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained; (3) a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose; and (4) a guaranty by the cooperating party that any material or any Restricted Data to be transferred pursuant to the agreement for cooperation will not be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the agreement for cooperation;

"b. the President has approved and authorized the execution of the proposed agreement for cooperation, and has made a determination in writing that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security; and

"c. the proposed agreement for cooperation, together with the approval and the determination of the President, has been submitted to the Joint Committee and a period of thirty days has elapsed while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days).

"SEC. 124. INTERNATIONAL ATOMIC POOL.—The President is authorized to enter into an international arrangement with a group of nations providing for international cooperation in the nonmilitary applications of atomic energy and he may thereafter cooperate with that group of nations pursuant to sections 54, 57, 64, 82, 103, 104, or 144 a.: *Provided, however,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123.

"CHAPTER 12. CONTROL OF INFORMATION

"SEC. 141. POLICY.—It shall be the policy of the Commission to control the dissemination and declassification of Restricted Data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

"a. Until effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established by an international arrangement, there shall be no exchange of Restricted Data with other nations except as authorized by section 144; and

"b. The dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding and to enlarge the fund of technical information.

"SEC. 142. CLASSIFICATION AND DECLASSIFICATION OF RESTRICTED DATA.—

"a. The Commission shall from time to time determine the data, within the definition of Restricted Data, which can be published without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data.

"b. The Commission shall maintain a continuous review of Restricted Data and of any Classification Guides issued for the guidance of those in the atomic energy program with respect to the areas of Restricted Data which have been declassified in order to determine which information may be declassified and removed from the category of Restricted Data without undue risk to the common defense and security.

"c. In the case of Restricted Data which the Commission and the Department of Defense jointly determine to relate primarily to the military utilization of atomic weapons, the determination that such data may be published without constituting an unreasonable risk to the common defense and security shall be made by the Commission and the Department of Defense jointly, and if the Commission and the Department of Defense do not agree, the determination shall be made by the President.

"d. The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and Department of Defense jointly determine can be adequately safeguarded as defense information: *Provided, however,* That no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defense organization, while such data remains defense information, except pursuant to an agreement for cooperation entered into in accordance with subsection 144 b.

"e. The Commission shall remove from the Restricted Data category such information concerning the atomic energy programs of other nations as the Commission and the Director of Central Intelligence jointly determine to be necessary to carry out the provisions of section 102 (d) of the National Security Act of 1947, as amended, and can be adequately safeguarded as defense information.

61 Stat. 498.
50 USC 403(d).

"SEC. 143. DEPARTMENT OF DEFENSE PARTICIPATION.—The Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee or prospective licensee of the Commission to permit any employee of an agency of the Department of Defense or of its contractors, or any member of the Armed Forces to have access to Restricted Data required in the performance of his duties and so certified by the head of the appropriate agency of the Department of Defense or his designee: *Provided, however,* That the head of the appropriate agency of the Department of Defense or his designee has determined, in accordance with the established personnel security procedures and standards of such agency, that permitting the member or employee to have access to such Restricted Data will not endanger the common defense and security: *And provided further,* That the Secretary of Defense finds that the established personnel and other security procedures and standards of such agency are adequate and in reasonable conformity to the standards established by the Commission under section 145.

"SEC. 144. INTERNATIONAL COOPERATION.—

"a. The President may authorize the Commission to cooperate with another nation and to communicate to that nation Restricted Data on—

"(1) refining, purification, and subsequent treatment of source material;

"(2) reactor development;

"(3) production of special nuclear material;

"(4) health and safety;

"(5) industrial and other applications of atomic energy for peaceful purposes; and

"(6) research and development relating to the foregoing:

Provided, however, That no such cooperation shall involve the communication of Restricted Data relating to the design or fabrication of atomic weapons: *And provided further,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123, or is undertaken pursuant to an agreement existing on the effective date of this Act.

"b. The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data as is necessary to—

"(1) the development of defense plans;

"(2) the training of personnel in the employment of and defense against atomic weapons; and

"(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons,

while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security:

Provided, however, That no such cooperation shall involve communication of Restricted Data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the Commission and the Department of Defense such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon: *And provided further,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123.

"SEC. 145. RESTRICTIONS.—

Investigations
by CSC.

"a. No arrangement shall be made under section 31, no contract shall be made or continued in effect under section 41, and no license shall be issued under section 103 or 104, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"b. Except as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager that such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report

to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"c. In the event an investigation made pursuant to subsections a. and b. of this section develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.

Investigations
by FBI.

"d. If the President deems it to be in the national interest, he may from time to time cause investigations of any group or class which are required by subsections a. and b. of this section to be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

"e. Notwithstanding the provisions of subsections a. and b. of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity and upon such certification the investigation and reports required by such provisions shall be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

"f. The Commission shall establish standards and specifications in writing as to the scope and extent of investigations to be made by the Civil Service Commission pursuant to subsections a. and b. of this section. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the Restricted Data to which access will be permitted.

Establishment
by Commission of
investigations
standards, etc.

"SEC 146. GENERAL PROVISIONS.—

"a. Sections 141 to 145, inclusive, shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of those sections.

"b. The Commission shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"CHAPTER 13. PATENTS AND INVENTIONS

"SEC. 151. MILITARY UTILIZATION.—

"a. No patent shall hereafter be granted for any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon. Any patent granted for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

"b. No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the utilization of special nuclear material or atomic energy in atomic weapons. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

"c. Any person who has made or hereafter makes any invention or discovery useful (1) in the production or utilization of special nuclear material or atomic energy; (2) in the utilization of special nuclear material in an atomic weapon; or (3) in the utilization of atomic energy in an atomic weapon, shall file with the Commission a report

Report of inven-
tion to Commis-
sion.

containing a complete description thereof unless such invention or discovery is described in an application for a patent filed with the Commissioner of Patents by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the later: either the ninetieth day after completion of such invention or discovery; or the ninetieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

“d. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which, in his opinion, disclose inventions or discoveries required to be reported under subsection 151 c., and shall provide the Commission access to all such applications.

“SEC. 152. INVENTIONS CONCEIVED DURING COMMISSION CONTRACTS.—Any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, made or conceived under any contract, subcontract, arrangement, or other relationship with the Commission, regardless of whether the contract or arrangement involved the expenditure of funds by the Commission, shall be deemed to have been made or conceived by the Commission, except that the Commission may waive its claim to any such invention or discovery if made or conceived by any person at or in connection with any laboratory under the jurisdiction of the Commission as provided in section 33, or under such other circumstances as the Commission may deem appropriate. No patent for any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, shall be issued unless the applicant files with the application, or within 30 days after request therefor by the Commissioner of Patents, a statement under oath setting forth the full facts surrounding the making or conception of the invention or discovery described in the application and whether the invention or discovery was made or conceived in the course of, in connection with, or under the terms of any contract, subcontract, arrangement, or other relationship with the Commission, regardless of whether the contract or arrangement involved the expenditure of funds by the Commission. The Commissioner of Patents shall forthwith forward copies of the application and the statement to the Commission.

“The Commissioner of Patents may proceed with the application and issue the patent to the applicant (if the invention or discovery is otherwise patentable) unless the Commission, within 90 days after receipt of copies of the application and statement, directs the Commissioner of Patents to issue the patent to the Commission (if the invention or discovery is otherwise patentable) to be held by the Commission as the agent of and on behalf of the United States.

“If the Commission files such a direction with the Commissioner of Patents, and if the applicant's statement claims, and the applicant still believes, that the invention or discovery was not made or conceived in the course of, in connection with, or under the terms of any contract, subcontract, arrangement, or other relationship with the Commission entitling the Commission to take title to the application or the patent, the applicant may, within 30 days after notification of the filing of such a direction, request a hearing before a Board of Patent Interferences. The Board shall have the power to hear and determine whether the Commission was entitled to the direction filed with the Commissioner of Patents. The Board shall follow the rules and procedures established for interference cases and an appeal may be taken by either the applicant or the Commission from the final order of the Board to the Court of Customs and Patent Appeals

in accordance with the procedures governing the appeals from the Board of Patent Interferences.

"If the statement filed by the applicant should thereafter be found to contain false material statements any notification by the Commission that it has no objections to the issuance of a patent to the applicant shall not be deemed in any respect to constitute a waiver of the provisions of this section or of any applicable civil or criminal statute, and the Commission may have the title to the patent transferred to the Commission on the records of the Commissioner of Patents in accordance with the provisions of this section.

"SEC. 153. NONMILITARY UTILIZATION.—

"a. The Commission may, after giving the patent owner an opportunity for a hearing, declare any patent to be affected with the public interest if (1) the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy; and (2) the licensing of such invention or discovery under this section is of primary importance to effectuate the policies and purposes of this Act.

"b. Whenever any patent has been declared affected with the public interest, pursuant to subsection 153 a.—

"(1) the Commission is hereby licensed to use the invention or discovery covered by such patent in performing any of its powers under this Act; and

"(2) any person may apply to the Commission for a nonexclusive patent license to use the invention or discovery covered by such patent, and the Commission shall grant such patent license to the extent that it finds that the use of the invention or discovery is of primary importance to the conduct of an activity by such person authorized under this Act.

"c. Any person—

"(1) who has made application to the Commission for a license under sections 53, 62, 63, 81, 103, or 104, or a permit or lease under section 67;

"(2) to whom such license, permit, or lease has been issued by the Commission;

"(3) who is authorized to conduct such activities as such applicant is conducting or proposes to conduct under a general license issued by the Commission under sections 62 or 81; or

"(4) whose activities or proposed activities are authorized under section 31,

may at any time make application to the Commission for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent. Each such application shall set forth the nature and purpose of the use which the applicant intends to make of the patent license, the steps taken by the applicant to obtain a patent license from the owner of the patent, and a statement of the effects, as estimated by the applicant, on the authorized activities which will result from failure to obtain such patent license and which will result from the granting of such patent license.

"d. Whenever any person has made an application to the Commission for a patent license pursuant to subsection 153 c.—

"(1) the Commission, within 30 days after the filing of such application, shall make available to the owner of the patent all of the information contained in such application, and shall notify the owner of the patent of the time and place at which a hearing will be held by the Commission;

"(2) the Commission shall hold a hearing within 60 days after the filing of such application at a time and place designated by the Commission; and

"(3) in the event an applicant applies for two or more patent licenses, the Commission may, in its discretion, order the consolidation of such applications, and if the patents are owned by more than one owner, such owners may be made parties to one hearing.

"e. If, after any hearing conducted pursuant to subsection 153 d., the Commission finds that—

"(1) the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

"(2) the licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

"(3) the activities to which the patent license are proposed to be applied by such applicant are of primary importance to the furtherance of policies and purposes of this Act; and

"(4) such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Commission deems to be reasonable for the intended use of the patent to be made by such applicant,

the Commission shall license the applicant to use the invention or discovery covered by the patent for the purposes stated in such application on terms deemed equitable by the Commission and generally not less fair than those granted by the patentee or by the Commission to similar licensees for comparable use.

"f. The Commission shall not grant any patent license pursuant to subsection 153 e. for any other purpose than that stated in the application. Nor shall the Commission grant any patent license to any other applicant for a patent license on the same patent without an application being made by such applicant pursuant to subsection 153 c., and without separate notification and hearing as provided in subsection 153 d., and without a separate finding as provided in subsection 153 e.

"g. The owner of the patent affected by a declaration or a finding made by the Commission pursuant to subsection 153 b. or 153 e. shall be entitled to a reasonable royalty fee from the licensee for any use of an invention or discovery licensed by this section. Such royalty fee may be agreed upon by such owner and the patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to subsection 157 c.

"h. The provisions of this section shall apply to any patent the application for which shall have been filed before September 1, 1959.

"SEC. 154. INJUNCTIONS.—No court shall have jurisdiction or power to stay, restrain, or otherwise enjoin the use of any invention or discovery by a patent licensee, to the extent that such use is licensed by subsection 153 b. or 153 e. If, in any action against such patent licensee, the court shall determine that the defendant is exercising such license, the measure of damages shall be the royalty fee determined pursuant to subsection 157 c., together with such costs, interest, and reasonable attorney's fees as may be fixed by the court. If no royalty fee has been determined, the court shall stay the proceeding until the royalty fee is determined pursuant to subsection 157 c. If any such patent licensee shall fail to pay such royalty fee, the patentee may bring an action in any court of competent jurisdiction for such royalty fee, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court.

"SEC. 155. PRIOR ART.—In connection with applications for patents covered by this Chapter, the fact that the invention or discovery was known or used before shall be a bar to the patenting of such invention or discovery even though such prior knowledge or use was under secrecy within the atomic energy program of the United States.

"SEC. 156. COMMISSION PATENT LICENSES.—The Commission shall establish standard specifications upon which it may grant a patent license to use any patent held by the Commission or declared to be affected with the public interest pursuant to subsection 153 a. Such a patent license shall not waive any of the other provisions of this Act.

"SEC. 157. COMPENSATION, AWARDS, AND ROYALTIES.—

"a. PATENT COMPENSATION BOARD.—The Commission shall designate a Patent Compensation Board to consider applications under this section. The members of the Board shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Board. The members of the Board may serve as such without regard to the provisions of sections 281, 283, or 284 of Title 18 of the United States Code, except in so far as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

62 Stat. 597.

"b. ELIGIBILITY.—

"(1) Any owner of a patent licensed under section 158 or subsections 153 b. or 153 e., or any patent licensee thereunder may make application to the Commission for the determination of a reasonable royalty fee in accordance with such procedures as the Commission by regulation may establish.

"(2) Any person seeking to obtain the just compensation provided in section 151 shall make application therefor to the Commission in accordance with such procedures as the Commission may by regulation establish.

"(3) Any person making any invention or discovery useful in the production or utilization of special nuclear material or atomic energy, who is not entitled to compensation or a royalty therefor under this Act and who has complied with the provisions of section 151 c. hereof may make application to the Commission for, and the Commission may grant, an award. The Commission may also, upon the recommendation of the General Advisory Committee, and with the approval of the President, grant an award for any especially meritorious contribution to the development, use, or control of atomic energy.

"c. STANDARDS.—

"(1) In determining a reasonable royalty fee as provided for in subsections 153 b. or 153 e., the Commission shall take into consideration (A) the advice of the Patent Compensation Board; (B) any defense, general or special, that might be pleaded by a defendant in an action for infringement; (C) the extent to which, if any, such patent was developed through federally financed research; and (D) the degree of utility, novelty, and importance of the invention or discovery, and may consider the cost to the owner of the patent of developing such invention or discovery or acquiring such patent.

"(2) In determining what constitutes just compensation as provided for in section 151, or in determining the amount of any award under subsection 157 b. (3), the Commission shall take into account the considerations set forth in subsection 157 c. (1) and the actual use of such invention or discovery. Such compensation may be paid by the Commission in periodic payments or in a lump sum.

"SEC. 158. MONOPOLISTIC USE OF PATENTS.—Whenever the owner of any patent hereafter granted for any invention or discovery of pri-

mary use in the utilization or production of special nuclear material or atomic energy is found by a court of competent jurisdiction to have intentionally used such patent in a manner so as to violate any of the antitrust laws specified in subsection 105 a., there may be included in the judgment of the court, in its discretion and in addition to any other lawful sanctions, a requirement that such owner license such patent to any other licensee of the Commission who demonstrates a need therefor. Such licensee shall pay a reasonable royalty fee, to be determined in accordance with section 157, to the owner of the patent.

"SEC. 159. FEDERALLY FINANCED RESEARCH.—Nothing in this Act shall affect the right of the Commission to require that patents granted on inventions, made or conceived during the course of federally financed research or operations, be assigned to the United States.

"SEC. 160. SAVING CLAUSE.—Any patent application on which a patent was denied by the United States Patent Office under sections 11 (a) (1), 11 (a) (2), or 11 (b) of the Atomic Energy Act of 1946, and which is not prohibited by section 151 or section 155 of this Act may be reinstated upon application to the Commissioner of Patents within one year after enactment of this Act and shall then be deemed to have been continuously pending since its original filing date: *Provided, however,* That no patent issued upon any patent application so reinstated shall in any way furnish a basis of claim against the Government of the United States.

60 Stat. 768.
42 USC 1811.

"CHAPTER 14. GENERAL AUTHORITY

"SEC. 161. GENERAL PROVISIONS.—In the performance of its functions the Commission is authorized to—

"a. establish advisory boards to advise with and make recommendations to the Commission on legislation, policies, administration, research, and other matters, provided that the Commission issues regulations setting forth the scope, procedure, and limitations of the authority of each such board;

"b. establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable to promote the common defense and security or to protect health or to minimize danger to life or property;

"c. make such studies and investigations, obtain such information, and hold such meetings or hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this Act, or in the administration or enforcement of this Act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpoena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893, shall apply with respect to any individual who specifically claims such privilege. Witnesses subpoenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States;

27 Stat. 443.
49 USC 46.

"d. appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation

fixed in accordance with the Classification Act of 1949, as amended, except that, to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws: *Provided, however*, That no officer or employee (except such officers and employees whose compensation is fixed by law, and scientific and technical personnel) whose position would be subject to the Classification Act of 1949, as amended, if such Act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under such Act for positions of equivalent difficulty or responsibility. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee;

“e. acquire such material, property, equipment, and facilities, establish or construct such buildings and facilities, and modify such buildings and facilities from time to time, as it may deem necessary, and construct, acquire, provide, or arrange for such facilities and services (at project sites where such facilities and services are not available) for the housing, health, safety, welfare, and recreation of personnel employed by the Commission as it may deem necessary, subject to the provisions of section 174;

“f. with the consent of the agency concerned, utilize or employ the services or personnel of any Government agency or any State or local government, or voluntary or uncompensated personnel, to perform such functions on its behalf as may appear desirable;

“g. acquire, purchase, lease, and hold real and personal property, including patents, as agent of and on behalf of the United States, subject to the provisions of section 174, and to sell, lease, grant, and dispose of such real and personal property as provided in this Act;

“h. consider in a single application one or more of the activities for which a license is required by this Act, combine in a single license one or more of such activities, and permit the applicant or licensee to incorporate by reference pertinent information already filed with the Commission;

“i. prescribe such regulations or orders as it may deem necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this Act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to section 53 or produced by any person in connection with any activity authorized pursuant to this Act, and to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, and (3) to govern any activity authorized pursuant to this Act, including standards and restrictions governing the design, location, and operation of facilities used in the conduct of such activity, in order to protect health and to minimize danger to life or property;

“j. without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, except section 207 of that Act, or any other law, make such disposition as it may deem desirable of (1) radioactive materials, and (2) any other property, the special disposition of which is, in the opinion of the Commission, in the interest of the national security: *Provided, however*, That the property furnished to licensees in accordance with the provisions of subsection 161 m. shall not be deemed to be property disposed of by the Commission pursuant to this subsection;

63 Stat. 954.
5 USC 1071 note.

63 Stat. 377.
40 USC 471 note,
488.

"k. authorize such of its members, officers, and employees as it deems necessary in the interest of the common defense and security to carry firearms while in the discharge of their official duties. The Commission may also authorize such of those employees of its contractors engaged in the protection of property owned by the United States and located at facilities owned by or contracted to the United States as it deems necessary in the interests of the common defense and security to carry firearms while in the discharge of their official duties;

"l. secure the admittance free of duty into the United States of purchases made abroad of source materials, upon certification to the Secretary of the Treasury that such entry is necessary in the interest of the common defense and security;

"m. enter into agreements with persons licensed under section 103 or 104 for such periods of time as the Commission may deem necessary or desirable (1) to provide for the processing, fabricating, separating, or refining in facilities owned by the Commission of source, byproduct, or other material or special nuclear material owned by or made available to such licensees and which is utilized or produced in the conduct of the licensed activity, and (2) to sell, lease, or otherwise make available to such licensees such quantities of source or byproduct material, and other material not defined as special nuclear material pursuant to this Act, as may be necessary for the conduct of the licensed activity: *Provided, however*, That any such agreement may be canceled by the licensee at any time upon payment of such reasonable cancellation charges as may be agreed upon by the licensee and the Commission: *And provided further*, That the Commission shall establish prices to be paid by licensees for material or services to be furnished by the Commission pursuant to this subsection, which prices shall be established on such a nondiscriminatory basis as, in the opinion of the Commission, will provide reasonable compensation to the Government for such material or services and will not discourage the development of sources of supply independent of the Commission;

"n. assign scientific, technical, professional, and administrative employees for instruction, education, or training by public or private agencies, institutions of learning, laboratories, or industrial or commercial organizations and to pay the whole or any part of the salaries of such employees, costs of their transportation and per diem in lieu of subsistence in accordance with applicable laws and regulations, and training charges incident to their assignments (including tuition and other related fees): *Provided, however*, That (1) not more than one per centum of the eligible employees shall be so assigned during any fiscal year, and (2) any such assignment shall be approved in advance by the Commission or shall be in accordance with a training program previously approved by the Commission: *And provided further*, That appropriations or other funds available to the Commission for salaries or expenses shall be available for the purposes of this subsection;

"o. delegate to the General Manager or other officers of the Commission any of those functions assigned to it under this Act except those specified in sections 51, 57 a. (3), 61, 102 (with respect to the finding of practical value), 108, 123, 145 b. (with respect to the determination of those persons to whom the Commission may reveal Restricted Data in the national interest), 145 e., and 161 a.;

"p. require by rule, regulation, or order, such reports, and the keeping of such records with respect to, and to provide for such

inspections of, activities and studies of types specified in section 31 and of activities under licenses issued pursuant to sections 53, 63, 81, 103, and 104, as may be necessary to effectuate the purposes of this Act, including section 105; and

"q. make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.

"SEC. 162. CONTRACTS.—The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

"SEC. 163. ADVISORY COMMITTEES.—The members of the General Advisory Committee established pursuant to section 26 and the members of advisory boards established pursuant to section 161 a. may serve as such without regard to the provisions of sections 281, 283, or 284 of Title 18 of the United States Code, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

62 Stat. 697.

"SEC. 164. ELECTRIC UTILITY CONTRACTS.—The Commission is authorized in connection with the construction or operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission, without regard to section 3679 of the Revised Statutes, as amended, to enter into new contracts or modify or confirm existing contracts to provide for electric utility services for periods not exceeding twenty-five years, and such contracts shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contracts, and any appropriation presently or hereafter made available to the Commission shall be available for the payment of such cancellation costs. Any such cancellation payments shall be taken into consideration in determination of the rate to be charged in the event the Commission or any other agency of the Federal Government shall purchase electric utility services from the contractor subsequent to the cancellation and during the life of the original contract. The authority of the Commission under this section to enter into new contracts or modify or confirm existing contracts to provide for electric utility services includes, in case such electric utility services are to be furnished to the Commission by the Tennessee Valley Authority, authority to contract with any person to furnish electric utility services to the Tennessee Valley Authority in replacement thereof. Any contract hereafter entered into by the Commission pursuant to this section shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days) before the contract of the Commission shall become effective: *Provided, however,* That the Joint Committee, after having received the proposed contract, may by resolution in writing, waive the conditions of or all or any portion of such thirty-day period.

31 USC 665.

"SEC. 165. CONTRACT PRACTICES.—

"a. In carrying out the purposes of this Act the Commission shall not use the cost-plus-percentage-of-cost system of contracting.

"b. No contract entered into under the authority of this Act shall provide, and no contract entered into under the authority of the Atomic Energy Act of 1946, as amended, shall be modified or amended after the date of enactment of this Act to provide, for direct payment or direct reimbursement by the Commission of any Federal income taxes on behalf of any contractor performing such contract for profit.

60 Stat. 755.
42 USC 1801
note.

"SEC. 166. COMPTROLLER GENERAL AUDIT.—No moneys appropriated

for the purposes of this Act shall be available for payments under any contract with the Commission, negotiated without advertising, except contracts with any foreign government or any agency thereof and contracts with foreign producers, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts: *Provided, however,* That no moneys so appropriated shall be available for payment under such contract which includes any provision precluding an audit by the General Accounting Office of any transaction under such contract.

"SEC. 167. CLAIM SETTLEMENTS.—The Commission, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of the Commission's program for testing atomic weapons, where such claim is presented to the Commission in writing within one year after the accident or incident out of which the claim arises: *Provided, however,* That the damage to or loss of property, or bodily injury or death, shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agents, or employees. Any such settlement under the authority of this section shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary.

"SEC. 168. PAYMENTS IN LIEU OF TAXES.—In order to render financial assistance to those States and localities in which the activities of the Commission are carried on, and in which the Commission has acquired property previously subject to State and local taxation, the Commission is authorized to make payments to State and local governments in lieu of property taxes. Such payments may be in the amounts, at the times, and upon the terms the Commission deems appropriate, but the Commission shall be guided by the policy of not making payments in excess of the taxes which would have been payable for such property in the condition in which it was acquired, except in cases where special burdens have been cast upon the State or local government by activities of the Commission, the Manhattan Engineer District or their agents. In any such case, any benefit accruing to the State or local government by reason of such activities shall be considered in determining the amount of the payment.

"SEC. 169. NO SUBSIDY.—No funds of the Commission shall be employed in the construction or operation of facilities licensed under section 103 or 104 except under contract or other arrangement entered into pursuant to section 31.

"CHAPTER 15. COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

"SEC. 171. JUST COMPENSATION.—The United States shall make just compensation for any property or interests therein taken or requisitioned pursuant to sections 43, 52 (with respect to the material for which the United States is required to pay just compensation), 66, and 108. Except in case of real property or any interest therein, the Commission shall determine and pay such just compensation. If the compensation so determined is unsatisfactory to the person entitled

thereto, such person shall be paid 75 per centum of the amount so determined, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States for the district in which such claimant is a resident in the manner provided by section 1346 of Title 28 of the United States Code to recover such further sum as added to said 75 per centum will constitute just compensation.

62 Stat. 933.

"SEC. 172. CONDEMNATION OF REAL PROPERTY.—Proceedings for condemnation shall be instituted pursuant to the provisions of the Act approved August 1, 1888, as amended, and section 1403 of Title 28 of the United States Code. The Act approved February 26, 1931, as amended, shall be applicable to any such proceedings.

62 Stat. 986, 937;
46 Stat. 1421.
40 USC 257,
258a-258c.

"SEC. 173. PATENT APPLICATION DISCLOSURES.—In the event that the Commission communicates to any nation any Restricted Data based on any patent application not belonging to the United States, just compensation shall be paid by the United States to the owner of the patent application. The Commission shall determine such compensation. If the compensation so determined is unsatisfactory to the person entitled thereto, such person shall be paid 75 per centum of the amount so determined, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States for the district in which such claimant is a resident in a manner provided by section 1346 of Title 28 of the United States Code to recover such further sum as added to such 75 per centum will constitute just compensation.

62 Stat. 933.

"SEC. 174. ATTORNEY GENERAL APPROVAL OF TITLE.—All real property acquired under this Act shall be subject to the provisions of section 355 of the Revised Statutes, as amended: *Provided, however*, That real property acquired by purchase or donation, or other means of transfer may also be occupied, used, and improved for the purposes of this Act prior to approval of title by the Attorney General in those cases where the President determines that such action is required in the interest of the common defense and security.

40 USC 255.

"CHAPTER 16. JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

"SEC. 181. GENERAL.—The provisions of the Administrative Procedure Act (Public Law 404, Seventy-ninth Congress, approved June 11, 1946) shall apply to all agency action taken under this Act, and the terms 'agency' and 'agency action' shall have the meaning specified in the Administrative Procedure Act: *Provided, however*, That in the case of agency proceedings or actions which involve Restricted Data or defense information, the Commission shall provide by regulation for such parallel procedures as will effectively safeguard and prevent disclosure of Restricted Data or defense information to unauthorized persons with minimum impairment of the procedural rights which would be available if Restricted Data or defense information were not involved.

60 Stat. 237.
5 USC 1001 note.

"SEC. 182. LICENSE APPLICATIONS.—

"a. Each application for a license hereunder shall be in writing and shall specifically state such information as the Commission, by rule or regulation, may determine to be necessary to decide such of the technical and financial qualifications of the applicant, the character of the applicant, the citizenship of the applicant, or any other qualifications of the applicant as the Commission may deem appropriate for the license. In connection with applications for licenses to operate production or utilization facilities, the applicant shall state such technical specifications, including information of the amount, kind, and source of special nuclear material required, the place of the use, the specific

characteristics of the facility, and such other information as the Commission may, by rule or regulation, deem necessary in order to enable it to find that the utilization or production of special nuclear material will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. Such technical specifications shall be a part of any license issued. The Commission may at any time after the filing of the original application, and before the expiration of the license, require further written statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee under oath or affirmation.

Commercial
power.

"b. The Commission shall not issue any license for a utilization or production facility for the generation of commercial power under section 103, until it has given notice in writing to such regulatory agency as may have jurisdiction over the rates and services of the proposed activity, to municipalities, private utilities, public bodies, and cooperatives within transmission distance authorized to engage in the distribution of electric energy and until it has published notice of such application once each week for four consecutive weeks in the Federal Register, and until four weeks after the last notice.

Notice in FR.

"c. The Commission, in issuing any license for a utilization or production facility for the generation of commercial power under section 103, shall give preferred consideration to applications for such facilities which will be located in high cost power areas in the United States if there are conflicting applications for a limited opportunity for such license. Where such conflicting applications resulting from limited opportunity for such license include those submitted by public or cooperative bodies such applications shall be given preferred consideration.

"SEC. 183. TERMS OF LICENSES.—Each license shall be in such form and contain such terms and conditions as the Commission may, by rule or regulation, prescribe to effectuate the provisions of this Act, including the following provisions:

"a. Title to all special nuclear material utilized or produced by facilities pursuant to the license, shall at all times be in the United States.

"b. No right to the special nuclear material shall be conferred by the license except as defined by the license.

"c. Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of this Act.

"d. Every license issued under this Act shall be subject to the right of recapture or control reserved by section 108, and to all of the other provisions of this Act, now or hereafter in effect and to all valid rules and regulations of the Commission.

"SEC. 184. INALIENABILITY OF LICENSES.—No license granted hereunder and no right to utilize or produce special nuclear material granted hereby shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing. The Commission may give such consent to the creation of a mortgage, pledge, or other lien upon any facility owned or thereafter acquired by a licensee, or upon any leasehold or other interest in such property, and the rights of the creditors so secured may thereafter be enforced by any court subject to rules and regulations established by the Commission to protect public health and safety and promote the common defense and security.

"SEC. 185. CONSTRUCTION PERMITS.—All applicants for licenses to construct or modify production or utilization facilities shall, if the application is otherwise acceptable to the Commission, be initially granted a construction permit. The construction permit shall state the earliest and latest dates for the completion of the construction or modification. Unless the construction or modification of the facility is completed by the completion date, the construction permit shall expire, and all rights thereunder be forfeited, unless upon good cause shown, the Commission extends the completion date. Upon the completion of the construction or modification of the facility, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of this Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of this Act, the Commission shall thereupon issue a license to the applicant. For all other purposes of this Act, a construction permit is deemed to be a 'license'.

"SEC. 186. REVOCATION.—

"a. Any license may be revoked for any material false statement in the application or any statement of fact required under section 182, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for failure to construct or operate a facility in accordance with the terms of the construction permit or license or the technical specifications in the application, or for violation of, or failure to observe any of the terms and provisions of this Act or of any regulation of the Commission.

"b. The Commission shall follow the provisions of section 9 (b) of the Administrative Procedure Act in revoking any license.

60 Stat. 242.
5 USC 1008(b).

"c. Upon revocation of the license, the Commission may immediately retake possession of all special nuclear material held by the licensee. In cases found by the Commission to be of extreme importance to the national defense and security or to the health and safety of the public, the Commission may recapture any special nuclear material held by the licensee or may enter upon and operate the facility prior to any of the procedures provided under the Administrative Procedure Act. Just compensation shall be paid for the use of the facility.

5 USC 1001 note.

"SEC. 187. MODIFICATION OF LICENSE.—The terms and conditions of all licenses shall be subject to amendment, revision, or modification, by reason of amendments of this Act or by reason of rules and regulations issued in accordance with the terms of this Act.

"SEC. 188. CONTINUED OPERATION OF FACILITIES.—Whenever the Commission finds that the public convenience and necessity or the production program of the Commission requires continued operation of a production facility or utilization facility the license for which has been revoked pursuant to section 186, the Commission may, after consultation with the appropriate regulatory agency, State or Federal, having jurisdiction, order that possession be taken of and such facility be operated for such period of time as the public convenience and necessity or the production program of the Commission may, in the judgment of the Commission, require, or until a license for the operation of the facility shall become effective. Just compensation shall be paid for the use of the facility.

"SEC. 189. HEARINGS AND JUDICIAL REVIEW.—

"a. In any proceeding under this Act, for the granting, suspending,

revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, and in any proceeding for the payment of compensation, an award or royalties under sections 153, 157, 186 c., or 188, the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding.

5 USC 1031-
1042, 1009.

“b. Any final order entered in any proceeding of the kind specified in subsection a. above shall be subject to judicial review in the manner prescribed in the Act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129), and to the provisions of section 10 of the Administrative Procedure Act, as amended.

“CHAPTER 17. JOINT COMMITTEE ON ATOMIC ENERGY

“SEC. 201. MEMBERSHIP.—There is hereby established a Joint Committee on Atomic Energy to be composed of nine Members of the Senate to be appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five Members shall be members of the same political party.

“SEC. 202. AUTHORITY AND DUTY.—The Joint Committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. During the first sixty days of each session of the Congress, the Joint Committee shall conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic energy industry. The Commission shall keep the Joint Committee fully and currently informed with respect to all of the Commission's activities. The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the Joint Committee. The members of the Joint Committee who are Members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are referred to the Joint Committee or otherwise within the jurisdiction of the Joint Committee.

“SEC. 203. CHAIRMAN.—Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a Chairman and a Vice Chairman from among its members at the beginning of each Congress. The Vice Chairman shall act in the place and stead of the Chairman in the absence of the Chairman. The Chairmanship shall alternate between the Senate and the House of Representatives with each Congress, and the Chairman shall be selected by the Members from that House entitled to the Chair-

manship. The Vice Chairman shall be chosen from the House other than that of the Chairman by the Members from that House.

"SEC. 204. POWERS.—In carrying out its duties under this Act, the Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary: *Provided, however,* That no measure or recommendation shall be reported from the Joint Committee unless a majority of the committee assent. Subpoenas may be issued over the signature of the Chairman of the Joint Committee or by any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Joint Committee or any member thereof may administer oaths to witnesses. The Joint Committee may use a committee seal. The provisions of sections 102 to 104, inclusive, of the Revised Statutes, as amended, shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. The expenses of the Joint Committee shall be paid from the contingent fund of the Senate from funds appropriated for the Joint Committee upon vouchers approved by the Chairman. The cost of stenographic service to report public hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate. The cost of stenographic service to report executive hearings shall be fixed at an equitable rate by the Joint Committee. Members of the Joint Committee, and its employees and consultants, while traveling on official business for the Joint Committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

Committee seal.
2 USC 192-194.

"SEC. 205. STAFF AND ASSISTANCE.—The Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government. The Joint Committee is authorized to permit such of its members, employees, and consultants as it deems necessary in the interest of common defense and security to carry firearms while in the discharge of their official duties for the committee.

"SEC. 206. CLASSIFICATION OF INFORMATION.—The Joint Committee may classify information originating within the committee in accordance with standards used generally by the executive branch for classifying Restricted Data or defense information.

"SEC. 207. RECORDS.—The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or other places as the Joint Committee may direct under such security safeguards as the Joint Committee shall determine in the interest of the common defense and security.

"CHAPTER 18. ENFORCEMENT

"SEC. 221. GENERAL PROVISIONS.—

"a. To protect against the unlawful dissemination of Restricted Data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable.

"b. The Federal Bureau of Investigation of the Department of Justice shall investigate all alleged or suspected criminal violations of this Act.

"c. No action shall be brought against any individual or person for any violation under this Act unless and until the Attorney General of the United States has advised the Commission with respect to such action and no such action shall be commenced except by the Attorney General of the United States: *Provided, however,* That no action shall be brought under sections 222, 223, 224, 225 or 226 except by the express direction of the Attorney General.

"SEC. 222. VIOLATION OF SPECIFIC SECTIONS.—Whoever willfully violates, attempts to violate, or conspires to violate, any provision of sections 57, 92, or 101, or whoever unlawfully interferes, attempts to interfere, or conspires to interfere with any recapture or entry under section 108, shall, upon conviction thereof, be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

"SEC. 223. VIOLATION OF SECTIONS GENERALLY.—Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this Act for which no penalty is specifically provided or of any regulation or order prescribed or issued under section 65 or subsections 161 b., i., or p. shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

"SEC. 224. COMMUNICATION OF RESTRICTED DATA.—Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data—

"a. communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both;

"b. communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation,

shall, upon conviction, be punished by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both.

"SEC. 225. RECEIPT OF RESTRICTED DATA.—Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires, or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both.

"SEC. 226. TAMPERING WITH RESTRICTED DATA.—Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes, conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan, model, instrument, appliance, or note involving or incorporating Restricted Data and used by any individual or person in connection with the production of special nuclear material, or research or development relating to atomic energy, conducted by the United States, or financed in whole or in part by Federal funds, or conducted with the aid of special nuclear material, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both.

"SEC. 227. DISCLOSURE OF RESTRICTED DATA.—Whoever, being or having been an employee or member of the Commission, a member of the Armed Forces, an employee of any agency of the United States, or being or having been a contractor of the Commission or of an agency of the United States, or being or having been an employee of a contractor of the Commission or of an agency of the United States, or being or having been a licensee of the Commission, or being or having been an employee of a licensee of the Commission, knowingly communicates, or whoever conspires to communicate or to receive, any Restricted Data, knowing or having reason to believe that such data is Restricted Data, to any person not authorized to receive Restricted Data pursuant to the provisions of this Act or under rule or regulation of the Commission issued pursuant thereto, knowing or having reason to believe such person is not so authorized to receive Restricted Data shall, upon conviction thereof, be punishable by a fine of not more than \$2,500.

"SEC. 228. STATUTE OF LIMITATIONS.—Except for a capital offense, no individual or person shall be prosecuted, tried, or punished for any offense prescribed or defined in sections 224 to 226, inclusive, of this Act unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.

"SEC. 229. OTHER LAWS.—Sections 224 to 228 shall not exclude the applicable provisions of any other laws.

"SEC. 230. INJUNCTION PROCEEDINGS.—Whenever in the judgment of the Commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or any regulation or order issued thereunder, the Attorney General on behalf of the United States may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Commission that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

"SEC. 231. CONTEMPT PROCEEDINGS.—In case of failure or refusal to obey a subpoena served upon any person pursuant to subsection 161 c., the district court for any district in which such person is found or resides or transacts business, upon application by the Attorney General on behalf of the United States, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, in accordance with the subpoena; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"CHAPTER 19. MISCELLANEOUS

60 Stat. 765.
42 USC 1809(a).

"SEC. 241. TRANSFER OF PROPERTY.—Nothing in this Act shall be deemed to repeal, modify, amend, or alter the provisions of section 9 (a) of the Atomic Energy Act of 1946, as heretofore amended.

"SEC. 251. REPORT TO CONGRESS.—The Commission shall submit to the Congress, in January and July of each year, a report concerning the activities of the Commission. The Commission shall include in such report, and shall at such other times as it deems desirable submit to the Congress, such recommendations for additional legislation as the Commission deems necessary or desirable.

"SEC. 261. APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act except such as may be necessary for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion. The Acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only. Funds appropriated to the Commission shall, if obligated by contract during the fiscal year for which appropriated, remain available for expenditure for four years following the expiration of the fiscal year for which appropriated.

"SEC. 271. AGENCY JURISDICTION.—Nothing in this Act shall be construed to affect the authority or regulations of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power.

"SEC. 272. APPLICABILITY OF FEDERAL POWER ACT.—Every licensee under this Act who holds a license from the Commission for a utilization or production facility for the generation of commercial electric energy under section 103 and who transmits such electric energy in interstate commerce or sells it at wholesale in interstate commerce shall be subject to the regulatory provisions of the Federal Power Act.

"SEC. 273. LICENSING OF GOVERNMENT AGENCIES.—Nothing in this Act shall preclude any Government agency now or hereafter authorized by law to engage in the production, marketing, or distribution of electric energy from obtaining a license under section 103, if qualified under the provisions of section 103, for the construction and operation of production or utilization facilities for the primary purpose of producing electric energy for disposition for ultimate public consumption.

"SEC. 281. SEPARABILITY.—If any provision of this Act or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 291. SHORT TITLE.—This Act may be cited as the 'Atomic Energy Act of 1954'."

SEC. 2.—

a. Section 1 (d) of the Act of December 29, 1950 (64 Stat. 1129), is amended by inserting before the period at the end thereof a semicolon and the following: “when such order was entered by the Atomic Energy Commission, ‘agency’ means that Commission”.

5 USC 1031(d).

b. Section 2 of the Act of December 29, 1950 (64 Stat. 1129), is amended by inserting before the period at the end of the first paragraph thereof a comma and the following: “and (d) of the Atomic Energy Commission made reviewable by section 189 of the Atomic Energy Act of 1954, as amended”.

5 USC 1032.
Court of Appeals, jurisdiction.

SEC. 3. There is hereby retroceded to the State of New Mexico the exclusive jurisdiction heretofore acquired from the State of New Mexico by the United States of America over the following land of the United States Atomic Energy Commission in Bernalillo County and within the boundaries of the Sandia base, Albuquerque, New Mexico.

Ante, p. 955.

New Mexico.
Retrocession.

Beginning at the center quarter corner of section 30, township 10 north, range 4 east, New Mexico principal meridian, Bernalillo County, New Mexico, thence south no degrees twenty-three minutes thirty seconds west one thousand nine hundred forty-seven and twenty one-hundredths feet, thence north eighty-nine degrees thirty-six minutes forty-five seconds east two thousand sixty-eight and forty one-hundredths feet, thence north eighty-nine degrees three minutes fifteen seconds east five hundred forty-six feet, thence north no degrees thirty-nine minutes no seconds east two hundred thirty-two and seventy one-hundredths feet, thence north eighty-nine degrees twenty-one minutes no seconds west eight hundred fifty-two and twenty one-hundredths feet, thence north no degrees thirty-nine minutes no seconds east five hundred and sixty one-hundredths feet, thence along the back of the south curb of West Sandia Drive, Sandia Base, Bernalillo County, New Mexico, eight hundred sixty-five and sixty one-hundredths feet, thence north no degrees thirty-nine minutes no seconds east one thousand three hundred thirty-five and three-tenths feet to a point south eighty-nine degrees twenty-seven minutes forty-five seconds west a distance of thirty feet from the quarter corner common to sections 30 and 29, township 10 north, range 4 east, thence south eighty-nine degrees, twenty-seven minutes forty-five seconds west two thousand six hundred twenty-three and forty one-hundredths feet to the point of beginning.

This retrocession of jurisdiction shall take effect upon acceptance by the State of New Mexico.

Approved August 30, 1954, 9:44 a.m., E.D.T.

Public Law 704

CHAPTER 1074

AN ACT

To authorize and direct the construction of bridges over the Potomac River, and for other purposes.

August 30, 1954
[H. R. 1980]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Potomac River
bridges.TITLE I—BRIDGE IN VICINITY OF CONSTITUTION
AVENUE

That (a) the Commissioners of the District of Columbia are authorized and directed to construct, maintain, and operate a low-level bridge over the Potomac River, from the vicinity of Constitution Avenue

in the District of Columbia to the Virginia side of the Potomac River, such bridge to be constructed north of the Memorial Bridge and south of the southern portion of Theodore Roosevelt Island sometimes referred to as "Small Island", together with bridge approaches and roads connecting such bridge and approaches with streets and park roads in the District of Columbia and with streets and park roads on the Virginia side of the Potomac River: *Provided*, That in planning such bridge approaches and connecting roads, the Commissioners shall consult with the National Capital Planning Commission.

Pedestrian access.

(b) The Commissioners of the District of Columbia are authorized to construct and maintain a structure to provide pedestrian access from the low-level bridge referred to in subsection (a) of this section to the aforesaid "Small Island": *Provided*, That before entering into any contract for such structure providing pedestrian access, the plans therefor shall be approved by the Theodore Roosevelt Association.

(c) The Secretary of the Interior is hereby authorized to construct, maintain, and operate a structure connecting the main body of Theodore Roosevelt Island and the aforesaid portion thereof referred to as "Small Island" to provide pedestrian access between such islands: *Provided*, That the plans for such structure connecting such islands shall be subject to the approval of the Theodore Roosevelt Association.

Submission of plans to Commission of Fine Arts.

(d) The plans for any bridge or other structure authorized by this title shall be submitted to the Commission of Fine Arts for advice with respect to the architectural features of any such bridge or structure, and no contract for the construction thereof may be entered into until this subsection shall have been complied with: *Provided*, That upon failure of the Commission of Fine Arts to report its advice within ninety days of submission of plans to it, the requirements of this subsection shall be deemed to have been met.

Appropriation.

(e) Appropriations for construction of the bridge and other structures authorized by this title, payable from the highway fund of the District of Columbia, in amounts not exceeding \$24,500,000 are hereby authorized.

Transfer of lands by Federal agencies.

SEC. 102. The Federal agencies having control and jurisdiction over the lands at and adjacent to the ends of the bridge shall transfer to the Commissioners of the District of Columbia, upon their request, the areas to be occupied by said bridge, approaches, and connecting roads, all as shown more particularly on plans of such bridge, approaches, and connecting roads, to be prepared and approved by the Commissioners of the District of Columbia and the Bureau of Public Roads, Department of Commerce.

Agreement with State Highway Commission, Va.

SEC. 103. The Commissioners of the District of Columbia are authorized to enter into an agreement or agreements with the State Highway Commission of Virginia, acting for and on behalf of the Commonwealth of Virginia, for the purpose of providing for cooperation by the State Highway Commission of Virginia, to such extent as the Commissioners of the District of Columbia shall deem necessary, in the construction of said bridge, approaches, and connecting roads, acquisition of land for rights-of-way, contributions toward costs, temporary or permanent closing of existing roads, and any other matters relating to the construction of said bridge which the Commissioners of the District of Columbia may consider appropriate.

Use of lands for preliminary work.

SEC. 104. The Commissioners of the District of Columbia are authorized to make such use of federally owned and controlled lands at and adjacent to the bridge as may be necessary for making borings, performing other preliminary work, routing and rerouting traffic, constructing said bridge, approaches, and connecting roads, and storing of materials incident to such preliminary work and to actual construction.

SEC. 105. The Commissioners of the District of Columbia are authorized and directed to route and reroute and to cause the routing and rerouting of traffic on, and to close or cause to be closed, park roads, streets, and highways under the jurisdiction of the United States, and to negotiate for the closing of roads by agreement with Virginia authorities, where necessary in connection with the preparation of plans for, and during the actual construction of, said bridge, approaches, and connecting roads. The Commissioners of the District of Columbia are further authorized to prepare plans for such changes in park roads as they deem necessary to provide maximum efficiency in handling traffic to and from said bridge, and when such plans are approved by the Bureau of Public Roads, to construct roads in conformity with such approved plans.

Traffic routing,
etc.

Plans for
changes in park
roads.

SEC. 106. (a) The National Park Service is authorized and directed to remove or transplant to other locations any and all planting materials within the area to be used for the bridge, approaches, and connecting roads or for construction purposes, when requested by the Commissioners of the District of Columbia. The Commissioners of the District of Columbia are authorized and directed to regrade the areas involved in the construction of the bridge, approaches, and connecting roads so as to conform with the plans to be approved by them and the Bureau of Public Roads.

Removal of
planting materials,
etc.

(b) Upon completion of said bridge, approaches, and connecting roads and the regrading of the areas, or prior thereto, when authorized by the Commissioners of the District of Columbia and when such operation or operations will not interfere with the construction of said bridge, approaches, and connecting roads, the National Park Service is directed to landscape such areas in accordance with the plans of the National Park Service as may be approved by the Commissioners of the District of Columbia and the Bureau of Public Roads, the cost of said landscaping to be paid out of funds made available for the purposes of this title.

Landscaping.

SEC. 107. The cost of construction, reconstruction, and repair of all roads which are changed or made necessary as an incident to the construction of said bridge, approaches, and connecting roads, when approved by the Commissioners of the District of Columbia and the Bureau of Public Roads, shall be paid out of funds made available for construction of said bridge, approaches, and connecting roads.

Cost of road
changes.

SEC. 108. The right to alter, amend, or repeal this title is hereby expressly reserved.

TITLE II—BRIDGE IN VICINITY OF JONES POINT

SEC. 201. (a) The Secretary of the Interior (referred to hereinafter as the "Secretary") is authorized and directed to construct, maintain, and operate a six-lane bridge over the Potomac River, from a point at or near Jones Point, Virginia, across a certain portion of the District of Columbia, to a point in Maryland, together with bridge approaches on property owned by the United States in the State of Virginia.

(b) The bridge shall be of deck girder structure with a swing span having a one-hundred-and-fifty-foot horizontal clearance on each side of the pivot pier and a seventy-foot vertical clearance above mean low water, and shall be constructed in accordance with the provisions of subsection (b) of Section 502 of the "General Bridge Act of 1946," approved August 2, 1946 (60 Stat. 847), as amended, and subject to the conditions and limitations in this title.

Structure.

33 USC 525.

(c) The Secretary shall request recommendations and suggestions of the National Capital Planning Commission relative to the design of such bridge and approaches.

Design, recom-
mendations.

Transfer of lands
by Federal agen-
cies.

Land in Mary-
land, acquisition.

Use of lands for
preliminary work.

Traffic routing,
etc.

Approaches, as-
surances of Va.
and Md.

Appropriation.

SEC. 202. (a) Any Federal agency and the District of Columbia having control and jurisdiction over any land at or near the site of the bridge shall transfer to the Secretary, upon his request, any such lands to be occupied by the bridge or approaches thereto.

(b) The Secretary may acquire by purchase or by condemnation any land in the State of Maryland, not under Federal or District jurisdiction or control, needed for the construction of such bridge, title to such land to be taken directly to and in the name of the United States. In case a price satisfactory to the Secretary cannot be agreed upon for the purchase of such land or in case the title cannot be made satisfactory to the Attorney General of the United States, then the latter is directed to procure such land by condemnation, and the expenses of procuring evidence of title, or condemnation, or both, shall be paid from funds made available for the purposes of this title.

SEC. 203. (a) The Secretary may make such use of lands owned or controlled by the United States, at or adjacent to the site of the bridge, as may be necessary for making borings, performing other preliminary work, routing and rerouting traffic, constructing such bridge, approaches, and connecting roads, and storing materials incident to such preliminary work and to actual construction.

(b) The Secretary may route and reroute and cause the routing and rerouting of traffic on, and close or cause to be closed, streets, roads, and highways under the jurisdiction of the United States, and negotiate for the closing of streets, roads, and highways by contact with Virginia, Maryland, and District authorities, when necessary in connection with the preparation of plans for, and during the actual construction of, the bridge.

SEC. 204. Notwithstanding any other provision of this title, the Secretary shall not begin construction of the bridge above referred to until the State of Virginia and the State of Maryland have taken such steps as the Secretary deems adequate to give assurances that there will be constructed and maintained, by and in such States, such approaches to such bridge as will be reasonably adequate to make possible the full and efficient utilization of such bridge.

SEC. 205. The sum of \$14,925,000 is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, to carry out the provisions of this title.

SEC. 206. The right to alter, amend, or repeal this title is hereby expressly reserved.

Approved August 30, 1954.

Public Law 705

CHAPTER 1075

JOINT RESOLUTION

August 30, 1954
[S. J. Res. 147]

To establish the Woodrow Wilson Centennial Celebration Commission, and for other purposes.

Woodrow Wilson
Centennial Cele-
bration Commis-
sion.
Establishment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the "Woodrow Wilson Centennial Celebration Commission" (hereinafter referred to as the "Commission") which shall be composed of twelve members as follows:

(1) Two members who shall be Members of the Senate, to be appointed by the President of the Senate;

(2) Two members who shall be members of the House of Representatives, to be appointed by the Speaker of the House of Representatives;

(3) One member from the Department of the Interior who shall be the Director of the National Park Service, or his representative, and who shall serve as executive officer of the Commission; and

(4) Seven members to be appointed by the President after consideration of such recommendations as may be made, upon the request of the President, by the Governor of Virginia as to three of such members, by the Woodrow Wilson Birthplace Foundation, Incorporated, as to two of such members, and by the Woodrow Wilson Foundation as to two of such members.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman. The members of the Commission shall receive no salary but shall be reimbursed for their actual and necessary traveling and subsistence expenses incurred in the discharge of their duties.

SEC. 2. The functions of the Commission shall be to develop and to execute suitable plans for the celebration, in 1956, of the one hundredth anniversary of the birth of Woodrow Wilson in Staunton, Virginia. In carrying out these functions the Commission is authorized to cooperate with and to assist the Commission established by the State of Virginia to plan a centennial celebration, in 1956, of the birth of Woodrow Wilson, and to invite all the people of the United States to join therein.

SEC. 3. The Commission may employ, without regard to civil-service laws or the Classification Act of 1949, such employees as may be necessary in carrying out its functions.

SEC. 4. (a) The Commission is authorized to accept donations of money, property, or personal services; to cooperate with patriotic and historical societies and with institutions of learning; and to call upon other Federal departments or agencies for their advice and assistance in carrying out the purposes of this resolution. The Commission, to such extent as it finds to be necessary, may, without regard to the laws and procedures applicable to Federal agencies, procure supplies, services, and property and make contracts, and may exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this resolution.

(b) Expenditures of the Commission shall be paid by the executive officer of the Commission, who shall keep complete records of such expenditures and who shall account also for all funds received by the Commission. A report of the activities of the Commission, including an accounting of funds received and expended, shall be furnished by the Commission to the Congress within one year following the celebration as prescribed by this resolution. The Commission shall terminate upon submission of its report to the Congress.

(c) Any property acquired by the Commission remaining upon termination of the celebration may be used by the Secretary of the Interior for purposes of the National Park System or may be disposed of as surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities, shall be deposited in the Treasury of the United States.

SEC. 5. There is hereby authorized to be appropriated not to exceed \$10,000 for travel expenses of the members of the Commission and for other expenses that may be incurred in developing suitable plans provided for herein, and no appropriation shall be deemed to be authorized herein to carry out the purposes of this resolution in accordance with such plans unless an additional appropriation to carry out such purposes is expressly authorized by further legislation.

Approved August 30, 1954.

Functions.

Employees.
63 Stat. 954.
5 USC 1071 note.

Report to Congress.

Termination.

Disposal of property.

Appropriation.

Public Law 706

CHAPTER 1076

August 30, 1954
[H. R. 6290]

AN ACT

To discontinue certain reports now required by law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following reports or statements now required by law are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such reports or statements are hereby repealed to the extent of such requirement:

By-law reports.

REPORTS UNDER EACH EXECUTIVE DEPARTMENT AND INDEPENDENT
ESTABLISHMENT

Receipts from
fees.

1. The inclusion in the annual report to Congress of each executive department or independent establishment of a statement of receipts from fees or charges paid to such department or establishment under all Acts of Congress (47 Stat. 411; 5 U. S. C. 104a).

Relief claim-
ants.

2. The quarterly report to Congress by each department and agency of the name of each claimant to whom relief has been granted under the Act of August 7, 1946, as amended, together with the amount of such relief and a brief statement of the facts and the administrative decision (60 Stat. 902; 41 U. S. C. 106).

41 USC 106 note.

REPORTS UNDER THE DEPARTMENT OF AGRICULTURE

Research labo-
ratories.

3. The annual report to Congress of the activities of, expenditures by, and donations to the four regional research laboratories authorized by the Agriculture Adjustment Act of 1938 (52 Stat. L. 37; 7 U. S. C. 1292 (e)).

Farm tenant
claims.

4. The annual report to the Congress of all persons against whom claims under the Bankhead-Jones Farm Tenant Act in excess of \$1,000 have been compromised, the address of such person, the nature of the claim, the amount of the compromise and the reason therefor (60 Stat. 1066; 7 U. S. C. 1015 (g)).

Farm tenant in-
surance.

5. The statement of the Secretary of Agriculture required to be included in his annual report to Congress, with respect to the status of the Farm Tenant-Mortgage Insurance Fund (60 Stat. L. 1076; 7 U. S. C. 1005a).

Expenditures.

6. The annual report by the Secretary of Agriculture to the President accounting for all moneys received and expended by him (45 Stat. 993; 5 U. S. C. 557).

Research under
contracts.

7. The annual report by the Secretary of Agriculture to the Congress on research work being performed under contracts or cooperative agreements pursuant to the Act of August 14, 1946 (60 Stat. 1086, 1090; 7 U. S. C. 427j and 1624).

REPORTS UNDER THE DEPARTMENT OF COMMERCE

Federal-aid high-
ways.

8. The report to the Congress on Federal-aid highways required of the Secretary of Commerce on or before the first Monday in January of each year, giving a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year, an itemized statement of travel and other expenses, including a list of employees, their duties, salaries and travel expenses, and his recommendations, if any, for new legislation amending or supplementing existing law (42 Stat. 216; 48 Stat. 995; 53 Stat. 1426; 60 Stat.

23 USC 20; 5
USC 133t note; 15
USC 192a note.

866; Public Law 152, Eighty-first Congress; Reorganization Plan Numbered 7 of 1949).

9. The report of the Maritime Commission on coordination of forwarding water-borne export and import foreign commerce of the United States required by section 217 of the Merchant Marine Act of 1936 as amended (56 Stat. 171; 46 U. S. C. 1127).

63 Stat. 377,
1070,
40 USC 471 note;
5 USC 1332-15
note.

10. Annual report submitted in accordance with section 4 of S. Res. 136, Eighty-first Congress, providing Congress with data on contemplated airport and Federal airways construction.

Airport construc-
tion.

11. Annual report concerning messing facilities in Alaska and other points outside the continental United States, submitted to Congress by the Secretary of Commerce in accordance with Public Law 390, Eighty-first Congress (63 Stat. 907; 5 U. S. C. 596a).

12. The requirement that two thousand eight hundred copies of the report of the Director of the Coast and Geodetic Survey be printed in quarto form (28 Stat. 612; 44 U. S. C. 247).

13. The annual coast survey report submitted to Congress in accordance with section 4690 of the Revised Statutes (33 U. S. C. 888).

REPORTS UNDER THE DEPARTMENT OF DEFENSE

14. The quarterly reports by the Secretary of Defense to the Committees on Appropriations and Armed Services of the amounts obligated under the contract authorizations provided for in the Supplemental National Defense Appropriation Act, 1948 (Public Law 547, Eightieth Congress), as required by section 2 of that Act (5 U. S. C. 171a Note).

Contract author-
izations.

62 Stat. 259.

15. The following statements of expenses included in the annual report of the Chief of Engineers in respect of: (1) gaging of waters on the Mississippi River and its tributaries (33 U. S. C. 4); (2) maintenance of the channel through, and securing uninterrupted examinations and surveys of the South Pass of the Mississippi River (33 U. S. C. 602); (3) removal of obstructions from the Mississippi and certain other rivers (33 U. S. C. 604 and 606); (4) operation of snag boats on the upper Mississippi River and certain other rivers (33 U. S. C. 605); (5) operating, maintaining, keeping in repair and reconstructing locks, canals, etc., other than Panama Canal (33 U. S. C. 5).

River expenses.

16. Annual report pursuant to Revised Statutes 429 (5 U. S. C. 466), of the Secretary of the Navy to the Congress in the form of a statement of amounts expended for wages of mechanics and laborers employed in building, repairing, or equipping vessels of the Navy or in receiving and securing stores and materials for those purposes and for the purchase of materials and stores for the same purpose.

Mechanics, etc.,
Navy.

17. Statement in the annual report of the Secretary of the Navy to the Congress of all acts done in making sale of any vessel or materials of the Navy (Revised Statutes 429, 5 U. S. C. 466).

Sale of vessels,
etc.

18. Annual report of the Secretary of the Navy to the Congress of charges included in the cost of work under naval appropriations pursuant to title 31, United States Code, section 647.

36 Stat. 1267.

19. Annual report of the Secretary of each military department of transportation services furnished under Public Law 560, Eightieth Congress (62 Stat. 276-277), as required by section 2 of that Act.

5 USC 189d.

20. Report to the Congress by Federal authorities of transfer of jurisdiction over Government properties within the District of Columbia among Federal and District authorities pursuant to title 40, United States Code, section 122.

47 Stat. 161.

21. Annual report of the Department of the Navy pursuant to section 61, Statutes at Large, page 705 (34 U. S. C. 1076b), concerning the number and salaries of professors and instructors employed at the Naval Post Graduate School.

REPORTS UNDER THE DEPARTMENT OF THE INTERIOR

22. The annual report and financial statement by the Secretary of the Interior of operations under section 13 of the Boulder Canyon Project Adjustment Act (54 Stat. 779; 43 U. S. C. 618 letter "I").

23. The annual report and financial statement by the Secretary of the Interior as to the transmission and sale of electric energy generated at the Fort Peck project during the preceding governmental fiscal year (52 Stat. 406; 16 U. S. C. 833g (c)).

24. The annual report of the Secretary of the Interior to the Speaker of the House of Representatives of the fiscal affairs of all Indian tribes for whose benefit expenditures from either public or tribal funds shall have been made by any officer, clerk, or employee in the Interior Department during the preceding fiscal year (36 Stat. 1077; 25 U. S. C. 143).

25. The annual report by the National Park Trust Fund Board to the Congress of the moneys or securities received and held by it, and of its operations (49 Stat. 478; 16 U. S. C. 19d).

REPORT UNDER THE DEPARTMENT OF JUSTICE

41 Stat. 528; 43 Stat. 1113.

26. The annual report of the Attorney General to Congress of all suits under the Suits in Admiralty Act (46 U. S. C. 752), and the Public Vessels Act (46 U. S. C. 790), in which final judgment has been rendered.

REPORT UNDER THE DEPARTMENT OF LABOR

27. The annual report by the Secretary of Labor of the findings of the Bureau of Labor Statistics on studies of productivity and labor costs in various industries (54 Stat. 249; 29 U. S. C. 2b).

REPORT UNDER THE DEPARTMENT OF STATE

54 Stat. 10.

28. The semiannual report of the National Munitions Control Board (22 U. S. C. 452).

REPORT UNDER THE TREASURY DEPARTMENT

29. The report on regulations as to lifesaving appliances on ocean, lake, and sound steamers and foreign vessels (46 U. S. C. 481).

REPORTS UNDER THE GENERAL ACCOUNTING OFFICE

30. Report by the Comptroller General on Farm Credit Administration transactions under the agricultural marketing revolving fund, in violation of law, together with such recommendations as deemed desirable (46 Stat. 18; 12 U. S. C. 1141i).

48 Stat. 1236.

31. Report by the Comptroller General containing recommendations for such changes in existing law relating to inactive and permanent appropriation (48 Stat. 1236; 31 U. S. C. 725w).

32. Report by the Comptroller General of any transaction or condition found to be in conflict with the powers or duties entrusted to the Tennessee Valley Authority by law (48 Stat. 63, 64; 49 Stat. 1080, 1081; 16 U. S. C. 831h).

Approved August 30, 1954.

Public Law 707

CHAPTER 1077

AN ACT

To abolish the Commission for the Enlarging of the Capitol Grounds.

August 30, 1954
[S. 1042]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commission for the Enlarging of the Capitol Grounds, created by the Act of April 11, 1928 (45 Stat. 420), having fully executed all the duties imposed upon it by law, accomplished the purposes for which it was created, settled all accounts, and submitted its final report to Congress, is hereby dissolved and the members of such Commission discharged from any further duties in connection with the matters heretofore committed by law to such Commission.

Commission for
the Enlarging of
the Capitol
Grounds.
Abolishment.

SEC. 2. Any revocable permits now in effect, heretofore granted by the Architect of the Capitol, under the direction of the Commission for the Enlarging of the Capitol Grounds, to owners of properties adjacent to the Capitol Grounds, for construction, maintenance and use of walkways, approaches, or driveways in the Capitol Grounds, providing access to such properties from the Capitol Grounds, subject to revocation by such Commission or by the Architect of the Capitol, shall continue in effect, subject to revocation by the Architect of the Capitol under the direction and approval of the President of the Senate and the Speaker of the House of Representatives. The Architect of the Capitol, with the approval of the President of the Senate and the Speaker of the House of Representatives, is authorized hereafter to grant similar revocable permits to the owners of any properties adjacent to the Capitol Grounds whenever such action is deemed necessary to provide proper access to such properties from the Capitol Grounds; and such permits shall be in the form of an agreement saving the United States harmless from and against any and all claims of any nature or kind that may arise from anything that may be connected with or grow out of such permits, and containing such other provisions and conditions as the Architect of the Capitol may deem necessary or proper.

Permits.

Approved August 30, 1954.

Public Law 708

CHAPTER 1078

AN ACT

To authorize the United States of America to quitclaim all its right, title, and interest in and to certain lands in Arizona, except for mineral interests therein, and for other purposes.

August 30, 1954
[S. 3187]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the reservations set out in section 4 of this Act, the United States of America hereby quitclaims all of its right, title, and interest in and to the land described in that certain deed executed by Salt River Valley Water Users' Association, an Arizona corporation, dated May 20, 1941, and recorded May 20, 1941, in the office of the county recorder, Maricopa County, State of Arizona, in book 360 of deeds at page 81, to the persons named as grantees therein or to the persons who succeeded to and now hold the possessory interests conveyed by said deed; and in addition thereto, the United States of America hereby quitclaims to the State of Arizona all its right, title, and interest in and to all that portion of the land lying within the right-of-way of the State highway designated on the plat of Victory Tract as the

Maricopa County,
Ariz.
Quitclaim of U.S.
land interests.

Apache Trail, said plat being recorded in the office of the county recorder of Maricopa County in book 31 of maps, page 6 thereof.

SEC. 2. Subject to the reservations set out in section 4 of this Act, the United States of America hereby quitclaims all of its right, title, and interest in and to the lands described in those certain instruments executed by Salt River Valley Water Users' Association, an Arizona corporation, and recorded in the office of the county recorder, Maricopa County, State of Arizona, as follows:

Deed dated June 1, 1931, and recorded June 19, 1931, in book 257 of deeds at page 182;

Deed dated January 24, 1935, and recorded August 17, 1935, in book 294 of deeds at page 159;

Deed dated April 9, 1934, and recorded April 16, 1945, in book 432 of deeds at pages 289 and 290;

Deed dated October 13, 1947, also executed by Salt River Project Agricultural Improvement and Power District, a municipal corporation of Arizona, and recorded December 17, 1947, in docket 105 at pages 67 and 68;

Deed dated July 5, 1930, and recorded January 28, 1931, in book 250 of deeds at page 510;

Deed dated January 20, 1939, and recorded June 22, 1939, in book 334 of deeds at pages 243 and 244 subject to the rights-of-way, reservations and covenants as set forth in said deed;

Deed dated August 1, 1927, and recorded April 12, 1928, in book 220 of deeds at page 161;

Deed dated April 16, 1930, and recorded May 10, 1930, in book 247 of deeds at pages 17 and 18;

Deed dated January 10, 1935, and recorded February 13, 1935, in book 289 of deeds at pages 95 and 96;

Deed dated September 24, 1930, and recorded October 4, 1930, in book 248 of deeds at pages 378 and 379;

Deed dated March 19, 1928, and recorded May 4, 1928, in book 220 of deeds at pages 364 and 365;

Deed dated April 6, 1953, also executed by said Salt River Project Agricultural Improvement and Power District, and recorded April 15, 1953, in docket 1117 at page 174;

Deed dated December 2, 1929, and recorded June 20, 1930, in book 247 of deeds at pages 352 and 353;

Deed dated October 30, 1953, also executed by said Salt River Project Agricultural Improvement and Power District, and recorded November 17, 1953, in docket 1234 at pages 166 and 167;

Deed dated April 6, 1953, also executed by said Salt River Project Agricultural Improvement and Power District, and recorded April 17, 1953, in docket 1119 at pages 70, 71, and 72;

Deed dated November 3, 1952, and recorded November 5, 1952, in docket 1019 at pages 491 and 492;

Deed dated November 13, 1953, and recorded November 17, 1953, in docket 1234 at pages 170 and 171;

General release of easement dated May 2, 1932, and recorded May 2, 1932, in book 45 of miscellaneous at page 500;

Deed dated November 13, 1953, and recorded November 17, 1953, in docket 1234 at pages 160 and 161;

Deed dated October 5, 1936, and recorded October 19, 1953, in docket 1219 at pages 513 and 514;

Deed dated November 16, 1953, also executed by said Salt River Project Agricultural Improvement and Power District, and recorded November 17, 1953, in docket 1234 at pages 162 and 163;

Deed dated May 5, 1938, and recorded May 11, 1938, in book 321 of deeds at page 486;

Deed dated November 13, 1953, and recorded November 17, 1953, in docket 1234 at pages 168 and 169;

Deed dated July 18, 1923, and recorded August 18, 1923, in book 177 of deeds at pages 447 and 448, as well as in deed from Arthur D. Neuhard to the United States of America, dated December 13, 1922, and recorded December 14, 1922, in book 171 of deeds at pages 298 and 299;

Deed dated July 18, 1931, and recorded August 8, 1931, in book 257 of deeds at pages 510 and 511; and

Deed dated November 3, 1953, and recorded November 17, 1953, in docket 1234 at pages 164 and 165, subject to the rights-of-way set forth in said deed;

to the persons named as grantees or releasee therein or, if such persons no longer hold the possessory interests conveyed by said deeds or released by said general release of easement, then to the persons who succeeded to and now hold such possessory interests.

SEC. 3. Subject to the reservation set out in section 4 of this Act, the United States of America hereby quitclaims to the abutting property owners of record on either side of the rights-of-way of the hereinafter described canals to the center lines thereof all of its right, title, and interest in and to the following described property:

All that certain canal right-of-way known as the Maricopa Canal, which takes its head out of the Salt River jointly with that of the Salt River Valley Canal on the north side thereof in section 8, township 1 north, range 4 east, Gila and Salt River base and meridian, and running thence in a northwesterly direction to its terminus in section 27, township 2 north, range 1 east, Gila and Salt River base and meridian, Maricopa County, Arizona, except those portions of said right-of-way through, over, and across the following lands:

North half of the south half section 8, township 1 north, range 4 east.

North half of the south half section 7, township 1 north, range 4 east.

North half of the south half section 12, township 1 north, range 3 east.

Southwest quarter section 1, township 1 north, range 3 east.

Southeast quarter section 2, township 1 north, range 3 east.

Southwest quarter section 25, township 2 north, range 2 east.

Northwest quarter of the northwest quarter of section 36, township 2 north, range 2 east.

North half of the north half of section 34, township 2 north, range 2 east.

Northwest quarter of the northwest quarter of the northeast quarter of section 33, township 2 north, range 2 east.

All that certain canal right-of-way known as the Salt River Valley Canal, which takes its head out of the Salt River jointly with that of the Maricopa Canal, on the north side of said river, in section 8, township 1 north, range 4 east, Gila and Salt River base and meridian, and running thence in a westerly direction to its terminus in section 12, township 1 north, range 1 west, Maricopa County, Arizona, except those portions of said right-of-way through, over, and across the following lands:

North half of the south half of section 8, township 1 north, range 4 east.

North half of the south half of section 7, township 1 north, range 4 east.

North half of the south half of section 12, township 1 north, range 3 east.

North half of the northwest quarter of section 12, township 1 north, range 2 east.

North half of the north half of section 11, township 1 north, range 2 east.

North half of the north half of section 10, township 1 north, range 2 east.

North half of the north half of section 9, township 1 north, range 2 east.

North half of the north half of section 8, township 1 north, range 2 east.

North half of the north half of section 7, township 1 north, range 2 east.

North half of the north half of section 12, township 1 north, range 1 east.

North half of the north half of section 11, township 1 north, range 1 east.

North half of the northeast quarter of the northeast quarter of section 10, township 1 north, range 1 east.

Northwest quarter of the northeast quarter of section 10, township 1 north, range 1 east.

North half of the north half of section 9, township 1 north, range 1 east.

Northeast quarter of the northwest quarter of section 8, township 1 north, range 1 east.

North half of the north half of section 7, township 1 north, range 1 east.

North half of the northeast quarter of section 12, township 1 north, range 1 west.

Mineral rights.

SEC. 4. With respect to all of the lands quitclaimed by this Act, all minerals are hereby reserved to the United States, together with the right of the United States, its lessees, permittees, and licensees to enter upon the land to prospect for, drill for, mine, treat, store, transport, and remove such minerals and to use so much of the surface and subsurface as may be reasonably necessary for the foregoing purposes.

SEC. 5. For the purposes of this Act, the deeds from the Salt River Valley Water Users' Association referred to in sections 1 and 2 of this Act shall be deemed, insofar as the United States is concerned, to have created possessory interests in the grantees therein named, and the general release of easement referred to in section 2 of this Act shall be deemed, insofar as the United States is concerned, to have released possessory interests to the releasee therein named.

SEC. 6. Nothing contained in this Act shall be deemed to create or recognize any obligation or liability whatsoever on the part of the United States.

Approved August 30, 1954.

Public Law 709

CHAPTER 1079

AN ACT

August 30, 1954
[S. 3189]

Providing for the conveyance by the United States to the Monterey County Flood Control and Water Conservation District, Monterey County, California, of certain lands in Camp Roberts Military Reservation, California, for use as a dam and reservoir site and for other purposes.

Monterey County,
Calif.
Dam and reservoir site.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army is authorized to convey by quitclaim deed, to the Monterey County Flood Control and Water Conservation District of Monterey County, California, for the purpose of constructing, operating, and maintaining thereon a dam and reservoir area for its El Nacimiento Reservoir project, all right, title, and interest of the United States, except as reserved herein, in and to so much of the following

described lands within the boundaries of Camp Roberts Military Reservation, California, as the Secretary of the Army, or his designee, and the Monterey County Flood Control and Water Conservation District shall determine to be necessary as a dam site and reservoir area for the El Nacimiento project:

The east half of the southeast quarter of section 11; the southwest quarter of section 12; the west half of section 13; and the east half of the east half of section 14, all lying in township 25 south, range 10 east, Mount Diablo base meridian.

(b) The deed conveying the lands determined to be necessary for the dam site and reservoir area for the El Nacimiento project shall provide (1) for the reservation by the United States of all mineral rights, including oil and gas, in and underlying the lands conveyed, (2) that the lands conveyed shall be used solely for the purpose of constructing, maintaining, and operating a dam and reservoir project thereon, and in the event such dam has not been constructed thereon within ten years after the enactment of this Act, or in the event the lands conveyed shall at any time after construction of the dam cease to be used for the sole purpose of maintaining and operating a dam and reservoir thereon, all right, title, and interest in and to such lands shall revert to the United States, (3) that in the event the existing water supply at Camp Roberts shall be diminished or adversely affected in any manner by the construction, operation, and maintenance of the dam and reservoir project, the grantee, its successors, and assigns, shall provide to the United States without additional cost substitute or supplementary water supply necessary to equal the existing supply at Camp Roberts, (4) the Armed Forces of the United States shall be granted for recreational and training purposes the use of the lands conveyed, to the extent that such use does not adversely affect the operation and maintenance of the dam and reservoir, and the use of the remaining portion of the reservoir area, to the extent provided in the regulations of the Monterey County Flood Control and Water Conservation District generally applicable to the reservoir area, and (5) the grantee shall remove, relocate, and reconstruct, at its own cost and expense all structures, roads, and fences at Camp Roberts affected by the proposed conveyance.

SEC. 2. The Secretary of the Army is authorized to issue to the Monterey County Flood Control and Water Conservation District, without compensation therefor, and on such terms and conditions as he deems appropriate, a license to use and occupy any lands in the area described in Section 1 not conveyed pursuant to the authorization contained therein, as may be required for the excavation of borrow materials and any other purposes related to the construction of the El Nacimiento project.

License.

SEC. 3. The conveyance herein authorized shall be made for a monetary consideration determined by the Secretary of the Army or his authorized representative, after appraisal, to represent the appraised fair market value of the estate conveyed.

Approved August 30, 1954.

Public Law 710

CHAPTER 1080

AN ACT

To change the name of Gavins Point Reservoir back of Gavins Point Dam to Lewis and Clark Lake.

August 30, 1954
[S. 3744]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Gavins

Lewis and Clark Lake.

Point Reservoir back of Gavins Point Dam, which is located on the Missouri River near Yankton, South Dakota, shall hereafter be known as Lewis and Clark Lake and any law, regulation, document, or record of the United States in which such reservoir is designated or referred to under the name of Gavins Point Reservoir shall be held to refer to such body of water under and by the name of Lewis and Clark Lake.

Approved August 30, 1954.

Public Law 711

CHAPTER 1081

August 30, 1954
[S. 3595]

AN ACT

To direct the Secretary of the Army to convey certain property located in El Paso, Texas, and described as part of Fort Bliss, to the State of Texas.

Fort Bliss Military Reservation,
Tex.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey by quitclaim deed, without consideration, to the State of Texas all right, title, and interest of the United States, except as retained in this Act, in and to a parcel of land within Fort Bliss Military Reservation, such parcel consisting of a portion of North El Paso Addition and a portion of Morningside Heights Addition, El Paso, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point which is the intersection of the east right-of-way line of Pollard Street and the south right-of-way line of Hayes Avenue; thence south no degrees fourteen and ninety one-hundredths minutes west along the east right-of-way line of Pollard Street, a distance of nine hundred two and six-tenths feet; thence south eighty-nine degrees forty-five and ten one-hundredths minutes east a distance of one thousand forty-two and thirty-nine one-hundredths feet to the west right-of-way line of the Southern Pacific Railroad (formerly the E. P. & S. W. R. R.); thence north thirteen degrees forty-five and two one-hundredths minutes east a distance of eight hundred forty-five and seventy-three one-hundredths feet along the Southern Pacific Railroad right-of-way line, to a point; thence north one degree fifteen and sixty-two one-hundredths minutes west a distance of one hundred twelve and five one-hundredths feet, to a point in the south right-of-way line of Hayes Avenue; thence south eighty-eight degrees forty-six minutes west a distance of one thousand two hundred thirty-seven and three-tenths feet along the south right-of-way line of Hayes Avenue, to the point of beginning, containing in all twenty-four and twenty-five one-hundredths acres of land, more or less.

Reservations
and conditions.

SEC. 2. All mineral rights, including gas and oil, in the lands authorized to be conveyed by this Act shall be reserved to the United States.

SEC. 3. There shall be further reserved to the United States in the conveyance of the above-described lands, rights of ingress and egress over roads in the above-described lands serving buildings or other works operated by the United States or its successors or assigns in connection with Fort Bliss, rights-of-way for water lines, sewer lines, telephone and telegraph lines, power lines, and such other utilities which now exist, or which may become necessary to the operation of the said Fort Bliss.

SEC. 4. The conveyance of the property authorized by this Act shall be upon condition that such property shall be used primarily for training of the National Guard and for other military purposes, and that if the State of Texas shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately

revert to the United States, and in addition, all improvements made by the State of Texas during its occupancy shall vest in the United States without payment of compensation therefor.

SEC. 5. The conveyance of the property authorized by this Act shall be upon the further provision that whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Texas, for the duration of such state of war or of such emergency. Upon the termination of such state of war or of such emergency plus six months such property shall revert to the State of Texas, together with all appurtenances and utilities belonging or appertaining thereto.

SEC. 6. In executing the deed of conveyance authorized by this Act, the Secretary of the Army shall include specific provisions covering the reservations and conditions contained in sections 2, 3, 4, and 5 of this Act.

Approved August 30, 1954.

Public Law 712

CHAPTER 1082

AN ACT

To direct the Secretary of the Air Force or his designee to convey certain property located in proximity to San Antonio, Bexar County, Texas, to the State of Texas.

August 30, 1954
[S. 3750]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Air Force or his designee is authorized and directed to convey by quitclaim deed, without consideration, to the State of Texas all right, title, and interest of the United States, except as retained in this Act, in and to the following described land in proximity to San Antonio, Bexar County, Texas, together with all buildings, improvements thereon, and all appurtenances and utilities belonging or appertaining thereto, such land including approximately two hundred eighteen and fifty-six one-hundredths acres and formerly designated as Martindale Auxiliary Field, as shown on maps on file with the Office of the Chief of Engineers:

Martindale Aux-
iliary Field, Tex.
Conveyance to
State.

Beginning at a point on the south right-of-way line of United States Highway Numbered 90, at the northwest corner of the Emil F. Gambler tract, said corner being also the northeast corner of the Virginia M. Johnson tract:

Station 1-2, bearing north sixty-nine degrees forty-five minutes twenty seconds east, a distance of forty-two and six-tenths feet;

Station 2-3, bearing south no degrees twelve minutes forty seconds east, a distance of eight hundred one and seven-tenths feet;

Station 3-4, bearing north eighty-nine degrees thirty-six minutes twenty seconds east, a distance of two thousand two hundred thirty-three and one one-hundredth feet;

Station 4-5, bearing north three degrees twenty-three minutes forty seconds west, a distance of five hundred forty and five-tenths feet;

Station 5-6, bearing north eighty-six degrees thirty-six minutes twenty seconds east, a distance of twenty feet;

Station 6-7, bearing south three degrees twenty-three minutes forty seconds east, a distance of five hundred forty-one and five-tenths feet;

Station 7-8, bearing north eighty-nine degrees thirty-six minutes twenty seconds east, a distance of two hundred seventy-eight and fifty-four one-hundredths feet;

Station 8-9, bearing south no degrees twenty-two minutes no seconds east, a distance of two thousand eight hundred fourteen and twenty-three one-hundredths feet;

Station 9-10, bearing south eighty-nine degrees thirty-eight minutes thirty seconds west, a distance of four hundred feet;

Station 10-11, bearing south no degrees twenty-one minutes forty-five seconds east, a distance of three hundred eighty and twenty-three one-hundredths feet;

Station 11-12, bearing north eighty-nine degrees thirty-eight minutes fifteen seconds east, a distance of four hundred and eighty-five feet;

Station 12-13, bearing south no degrees twenty-one minutes forty-five seconds east, a distance of two hundred and twenty-five feet;

Station 13-14, bearing south eighty-nine degrees thirty-eight minutes fifteen seconds west, a distance of three hundred eighteen and ninety-six one-hundredths feet;

Station 14-15, bearing south forty-six degrees thirty-eight minutes forty-five seconds west, a distance of one hundred one and sixty-seven one-hundredths feet;

Station 15-16, bearing south eighty-nine degrees thirty-eight minutes forty-five seconds west, a distance of six hundred thirty-eight and two-tenths feet;

Station 16-17, bearing south forty-four degrees forty-three minutes twenty seconds west, a distance of twenty-three and fifteen one-hundredths feet;

Station 17-18, bearing north no degrees six minutes twenty seconds west, a distance of forty-six and thirty-five one-hundredths feet;

Station 18-19, bearing south eighty-nine degrees thirty-eight minutes forty-five seconds west, a distance of eight hundred thirty-seven and seventy-seven one-hundredths feet;

Station 19-20, bearing north no degrees twenty-one minutes thirty seconds west, a distance of six hundred and forty-five feet;

Station 20-21, bearing south eighty-nine degrees thirty-nine minutes no seconds west, a distance of one thousand one hundred ninety-nine and ninety-eight one-hundredths feet;

Station 21-22, bearing north no degrees twenty-one minutes thirty seconds west, a distance of two thousand eight hundred and twelve feet;

Station 22-23, bearing north eighty-nine degrees twenty-six minutes twenty seconds east, a distance of five hundred thirty-one and two-tenths feet;

Station 23-1, bearing north no degrees twelve minutes forty seconds west, a distance of seven hundred eighty-seven and two-tenths feet.

Rights reserved.

SEC. 2. All mineral rights, including gas and oil, in the lands authorized to be conveyed by this Act shall be reserved to the United States.

SEC. 3. There shall be further reserved to the United States in the conveyance of the above-described lands, rights of ingress and egress over roads in the above-described lands serving buildings or other works operated by the United States or its successors or assigns in connection with Martindale Auxiliary Field, rights-of-way for water lines, sewer lines, telephone and telegraph lines, power lines, and such other utilities which now exist, or which may become necessary to the operation of the said Martindale Auxiliary Field.

SEC. 4. The conveyance of the property authorized by this Act shall be upon condition that such property shall be used primarily for training of the National Guard and the Air National Guard and for other military purposes, and that if the State of Texas shall cease to use the property so conveyed for the purposes intended, then title thereto shall immediately revert to the United States, and in addition, all improvements made by the State of Texas during its occupancy shall vest in the United States without payment of compensation therefor.

National Guard
use.

SEC. 5. The conveyance of the property authorized by this Act shall be upon the further provision that whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this Act is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made thereon by the State of Texas, for the duration of such state of war or of such emergency. Upon the termination of such state of war or of such emergency plus six months such property shall revert to the State of Texas, together with all appurtenances and utilities belonging or appertaining thereto.

National emergency
use.

SEC. 6. In executing the deed of conveyance authorized by this Act, the Secretary of the Air Force or his designee shall include specific provisions covering the reservations and conditions contained in sections 2, 3, 4, and 5 of this Act.

Approved August 30, 1954.

Public Law 713

CHAPTER 1083

AN ACT

To authorize the conveyance to the State of Texas of approximately nine acres of land in Houston, Texas, to be used for National Guard purposes.

August 30, 1954
[S. 3822]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey to the State of Texas, without compensation therefor, all the right, title, and interest of the United States in and to approximately nine and three-tenths acres of land in Houston, Harris County, Texas, and all improvements thereon, said property comprising that portion of the former Hughes Strut Plant now being occupied by the Texas National Guard under a license issued by the Secretary of the Army.

Houston, Tex.
Conveyance.

SEC. 2. The deed of conveyance authorized under the provisions of this Act shall—

Reservations and
conditions.

(1) provide that the property conveyed shall not be alienated in whole or in part by the State of Texas and shall be used primarily for training National Guard and Air National Guard personnel and for other military purposes, and if such provision is violated title to such property (including all improvements by the State of Texas) shall revert to the United States;

(2) reserve to the United States all minerals (including oil and gas) in the lands conveyed;

(3) provide that during any state of war or national emergency and for six months thereafter, if the Secretary of Defense determines that the property conveyed is useful or necessary for

national defense purposes, the United States may, without payment therefor, reenter such property and use all or any part of it (including improvements by the State of Texas) but upon the termination of such use such property shall revert to the State of Texas; and

(4) contain such additional terms, conditions, reservations, and restrictions as may be determined by the Secretary of the Army to be necessary to protect the interests of the United States.

Approved August 30, 1954.

Public Law 714

CHAPTER 1084

AN ACT

August 30, 1954
[H. R. 2012]

To authorize the sale of certain public lands in Alaska to the Alaska Council of Boy Scouts of America for a camp site and other public purposes.

Alaska Council
of Boy Scouts of
America.
Land sale.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alaska Council of Boy Scouts of America is hereby authorized for a period of one year from and after the effective date of this Act to apply for the purchase of, and the Secretary of the Interior is hereby authorized and directed to convey to the organization for a camp site and other public purposes, the following-described public lands situated in Alaska:

Homesite numbered 337, located on Hot Springs Bay, west shore of Baranof Island, Tongass National Forest, Alaska, approximate latitude fifty-six degrees fifty minutes ten seconds north, longitude one hundred thirty-five degrees twenty-two minutes ten seconds west. Beginning at corner numbered 1, MC at line of mean high tide on shore of Hot Springs Bay, not set on account of liability to destruction by tides; thence south six and no one-hundredths chains to corner numbered 2; thence east five and seventy-five one-hundredths chains to corner numbered 3; thence north six and fifty one-hundredths chains to corner numbered 4, MC at line of mean high tide, not set on account of liability to destruction by tides; thence by meanders along shore of Hot Springs Bay at line of mean high tide south seventy degrees west three and seventy-five one-hundredths chains, north sixty-nine degrees west two and thirty-four one-hundredths chains to the place of beginning. (A witness corner bears south sixty-five one-hundredths chain from corner numbered 4.) (Witness corner consisting of a cedar post four inches square, four feet long, marked WC 1 MC HS bears south seventy one-hundredths chain from corner numbered 1.) (Tie: Witness corner, meander corner numbered 2 of United States Survey Numbered 1401 bears south seventy-six degrees thirty minutes west two and fifty-nine one-hundredths chains from WC MC 1.) (A trail right-of-way one-half chain in width crosses the tract, the center line of which enters the west boundary of the homesite two and seven one-hundredths chains, south from true point for corner numbered 1 MC, thence north eighty-four degrees east five and no one-hundredths chains, north thirty-four degrees east two and eighty one-hundredths chains, to a point south eighty-five one-hundredths chain, from true point for corner numbered 4 MC), embracing approximately three and twenty-eight one-hundredths acres.

SEC. 2. Such conveyance shall be subject to the terms and conditions provided for the sale of public lands to a nonprofit corporation or nonprofit association under the Act of June 4, 1954 (Public Law 387, Eighty-third Congress, second session): *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid

66 Stat. 133.
46 USC 289, 883,
notes.

existing right initiated under the public land laws, or a valid possessory right based upon section 8 of the Act of May 17, 1884 (23 Stat. 24), section 14 of the Act of March 3, 1891 (26 Stat. 1095), or section 27 of the Act of June 6, 1900 (31 Stat. 321; 48 U. S. C., sec. 356): *Provided further*, That notwithstanding any of the provisions of this Act, the Secretary shall convey the lands to the Alaska Council of Boy Scouts of America only if the organization pays the price fixed by the Secretary within five years after notification by the Secretary of the price.

Approved August 30, 1954.

31 Stat. 330.
Payment.

Public Law 715

CHAPTER 1085

AN ACT

To authorize the preparation of rolls of persons of Indian blood whose ancestors were members of certain tribes or bands in the State of Oregon, and to provide for per capita distribution of funds arising from certain judgments in favor of such tribes or bands.

August 30, 1954
[H. R. 4118]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, hereafter referred to as the "Secretary", is hereby authorized and directed to prepare separate rolls of the Indians of the blood of the Molel or Molallalas Tribe of Oregon and of the Confederated Bands of the Umpqua Tribe of Indians and the Calappoias residing in the Umpqua Valley, and of the Tillamook, Coquille, Tootootoney, and Chetco Tribes of Oregon, living on the date of this Act. Applications for enrollment shall be filed within one year of the date of approval of this Act. The determination of the Secretary of the eligibility of an applicant for enrollment shall be final and conclusive. No person shall be entitled to be enrolled on more than one roll.

Indian tribes of
Oregon.
Enrollment of de-
scendants.

SEC. 2. The Secretary is authorized and directed to withdraw the funds on deposit in the Treasury of the United States to the credit of the respective tribes or bands, including those funds appropriated by Public Law 253 (Eighty-second Congress) approved November 1, 1951, in satisfaction of judgments obtained by the tribes or bands in the cases of Alcea Band of Tillamook, et al., against United States (119 C. Cls. 835), and Rogue River Tribes of Indians, et al., against United States (116 C. Cls. 454), and to make appropriate and equitable per capita payments therefrom to each person whose name appears on said approved rolls: *Provided*, That any amounts paid to or for individual members, or distributed to or for the legatees or next of kin of any enrollee, as provided in this Act, shall not be subject to Federal tax.

Per capita pay-
ments.

65 Stat. 754.

SEC. 3. (a) The Secretary shall make payments directly to a living enrollee. The Secretary shall distribute the share of a person determined to be eligible for enrollment, but who dies subsequent to the date of approval of this Act and on whose behalf an application is filed and approved, and the share of a deceased enrollee, directly to his next of kin or legatees as determined by the laws of the domicile of the decedent, upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) Payments due persons under twenty-one years of age or persons under legal disability shall be made in accordance with laws applicable to such persons in the State of domicile of the payee. The Secretary may apply to any court of competent jurisdiction for the appointment of a guardian to receive and administer payments due a person under twenty-one years of age or under legal disability, and may take such other action as he deems appropriate for the protection of the interests of any such person in connection with payments hereunder.

(c) No part of any payment hereunder shall be subject to any debt or debts created prior to the date of this Act by a beneficiary of Indian blood. Payment to living enrollees, unless under twenty-one years of age, or under legal disability, shall be completed within one year after approval of the tribal rolls. Payment to next of kin and legatees, and payment for the account of persons under twenty-one years of age or under legal disability shall be completed within the same period of time to the maximum extent possible.

SEC. 4. All costs incurred by the Secretary in the preparation of such rolls and the payment of such per capita shares shall be paid by appropriate withdrawals out of the fund or funds on deposit in the Treasury of the United States arising out of such judgments.

SEC. 5. The Secretary is authorized to prescribe the necessary rules and regulations to carry out the purposes of this Act.

Approved August 30, 1954.

Public Law 716

CHAPTER 1086

August 30, 1954
[H. R. 7290]

AN ACT

To authorize an appropriation for the construction of certain public-school facilities on the Klamath Indian Reservation at Chiloquin, Oregon.

Klamath Indian
Reservation.

School construc-
tion.

Conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated the sum of \$206,880 to be used by the Secretary of Interior for assisting the Klamath County School District in constructing and equipping new public-school facilities, which shall include an elementary school site, school building, and necessary equipment, on the Klamath Indian Reservation at Chiloquin, Klamath County, Oregon.

SEC. 2. The expenditure of any money appropriated pursuant to the first section of this Act shall be subject to the express conditions that (1) 40 per centum of the cost of such facilities shall be paid by the Klamath County School District; (2) such facilities shall be available to all Indian children of the district on the same terms, except as to payment from Federal funds of tuition of Indian children under Federal supervision, as other children of the district; (3) the cost of preparing the plans and specifications for such facilities, to be furnished by the local or State authorities, shall be paid out of the appropriation authorized in this Act in the same proportion as the building costs; (4) upon the approval of such plans and specifications by the Secretary of the Interior, the actual work shall proceed under the supervision of such local authority; and (5) payment for the work completed shall be made monthly on vouchers properly certified by the local officials of the Bureau of Indian Affairs.

Approved August 30, 1954.

Public Law 717

CHAPTER 1087

August 30, 1954
[H. R. 8020]

AN ACT

Authorizing the transfer of certain property of the United States Government (in Klamath County, Oregon) to the State of Oregon.

Klamath County,
Oreg.
Land transfer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the General Services Administration be, and is hereby, authorized to transfer to

the State of Oregon certain property of the United States Government situated in Klamath County, Oregon, and described as follows: All that portion of the southwest quarter northwest quarter and the southeast quarter northwest quarter of section 22, township 39 south, range 9 east, Willamette meridian, Klamath County, Oregon, described as follows:

Commencing at the north quarter corner of said section 22, thence, leaving said north quarter corner, south no degrees twenty-one minutes west a distance of one thousand three hundred and forty-three feet to the center line of the county road known as the Joe Wright Road; thence continuing south no degrees twenty-one minutes west a distance of thirty feet to the southerly right-of-way boundary of said county road; thence along said southerly right-of-way boundary, north eighty-nine degrees three minutes west a distance of one hundred fifty-four and six-tenths feet to the true point of beginning; thence leaving said southerly boundary south no degrees twenty-one minutes west, a distance of five hundred and thirty-two feet to a point; thence north eighty-nine degrees three minutes west a distance of two hundred and thirteen feet to a point, thence north no degrees twenty-one minutes east a distance of five hundred and thirty-two feet to said southerly right-of-way boundary; thence along said southerly right-of-way boundary south eighty-nine degrees three minutes east a distance of two hundred and thirteen feet to the true point of beginning and containing an area of two and sixty one-hundredths acres more or less, and shall be conveyed together with all buildings, improvements thereon, and all appurtenances and utilities belonging or appertaining thereto, and the General Services Administration shall execute and deliver in the name of the United States in its behalf any and all contracts, conveyances, or other instruments as may be necessary to effectuate the said transfer: *Provided*, That there shall be reserved to the United States all minerals, including oil and gas, in the lands authorized for conveyance of this section.

There shall be reserved to the United States, in the conveyance of the above-described lands, rights of ingress and egress over roads in the above-described lands serving buildings or other works operated by the United States or its successors or assigns in connection with the Klamath project. There shall be further reserved in said lands all rights-of-way for waterlines, sewer lines, telephone and telegraph lines, powerlines, and such other utilities as now exist, or may become necessary to the operation of said Klamath project.

Such conveyance shall contain a provision that said property shall be used primarily for training of the National Guard or Air National Guard and for other military purposes, and that, if the State of Oregon shall cease to use the property so conveyed for the primary purposes intended, then title thereto shall immediately revert to the United States and, in addition, all improvements made by the State of Oregon during its occupancy shall vest in the United States without payment of compensation therefor.

Such conveyance shall contain the further provision, that whenever the Congress of the United States shall declare a state of war or other national emergency, or the President declares a state of emergency to exist, and upon the determination by the appropriate Secretary that the property so conveyed is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including any and all improvements made by the State of Oregon for the duration of such state of war or other national emergency and upon the cessation thereof plus six months said property

Rights reserved.

Use.

National emergency.

is to revert to the State of Oregon together with any or all facilities and improvements, appurtenances, and utilities thereon or appertaining thereto other than those hereinabove reserved to the United States.

63 Stat. 388. SEC. 2. The property herein transferred shall come within the provisions of section 203 (k) (2) (D) of the Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C., 484 (k) (2) (D)).

Approved August 30, 1954.

Public Law 718

CHAPTER 1088

August 30, 1954
[H. R. 8252]

AN ACT

For the relief of the city of Fort Smith, Arkansas.

Fort Smith, Ark.

60 Stat. 170.
49 USC 1101
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the city of Fort Smith, Arkansas, the sum of \$2,381.75. The payment of such sum shall be in full settlement of all claims of the city of Fort Smith, Arkansas, against the United States for expenses for engineering fees incurred in connection with the project for the improvement of the Fort Smith Municipal Airport approved under the Federal Airport Act: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved August 30, 1954.

Public Law 719

CHAPTER 1089

August 30, 1954
[H. R. 9712]

AN ACT

Granting the consent of Congress to certain New England States to enter into a compact relating to higher education in the New England States and establishing the New England Board of Higher Education.

New England
Higher Education
Compact.
Consent of Con-
gress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to any two or more of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont to enter into the following compact and agreement relative to higher education and creating the New England Board of Higher Education.

The compact reads as follows:

ARTICLE I.

The purposes of the New England Higher Education Compact shall be to provide greater educational opportunities and services through the establishment and maintenance of a co-ordinated educational program for the persons residing in the several states of New England parties to this compact, with the aim of furthering higher education in the fields of medicine, dentistry, veterinary medicine, public health and in professional, technical, scientific, literary and other fields.

ARTICLE II.

There is hereby created and established a New England board of higher education hereinafter known as the board, which shall be an agency of each state party to the compact. The board shall be a body corporate and politic, having the powers, duties and jurisdiction herein enumerated and such other and additional powers as shall be conferred upon it by the concurrent act or acts of the compacting states. The board shall consist of three resident members from each compacting state, chosen in the manner and for the terms provided by law of the several states parties to this compact.

ARTICLE III.

This compact shall become operative immediately as to those states executing it whenever any two or more of the states of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut have executed it in the form which is in accordance with the laws of the respective compacting states.

ARTICLE IV.

The board shall annually elect from its members a chairman and vice-chairman and shall appoint and at its pleasure remove or discharge said officers. It may appoint and employ an executive secretary and may employ such stenographic, clerical, technical or legal personnel as shall be necessary, and at its pleasure remove or discharge such personnel. It shall adopt a seal and suitable by-laws and shall promulgate any and all rules and regulations which may be necessary for the conduct of its business. It may maintain an office or offices within the territory of the compacting states and may meet at any time or place. Meetings shall be held at least twice each year. A majority of the members shall constitute a quorum for the transaction of business, but no action of the board imposing any obligation on any compacting state shall be binding unless a majority of the members from such compacting state shall have voted in favor thereof. Where meetings are planned to discuss matters relevant to problems of education affecting only certain of the compacting states, the board may vote to authorize special meetings of the board members of such states. The board shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the governor and the legislature of each compacting state, setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the compacting states which may be necessary to carry out the intent and purpose of this compact. The board shall not pledge the credit of any compacting state without the consent of the legislature thereof given pursuant to the constitutional processes of said state. The board may meet any of its obligations in whole or in part with funds available to it under Article VII of this compact; provided, that the board take specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the board makes use of funds available to it under Article VII hereof, the board shall not incur any obligations for salaries, office, administrative, traveling or other expenses prior to the allotment of funds by the compacting states adequate to meet the same. Each compacting state reserves the right to provide hereafter by law for the examination and audit of the accounts

of the board. The board shall appoint a treasurer who may be a member of the board, and disbursements by the board shall be valid only when authorized by the board and when vouchers therefor have been signed by the executive secretary and countersigned by the treasurer. The executive secretary shall be custodian of the records of the board with authority to attest to and certify such records or copies thereof.

ARTICLE V.

The board shall have the power to: (1) collect, correlate, and evaluate data in the fields of its interest under this compact; to publish reports, bulletins and other documents making available the results of its research; and, in its discretion, to charge fees for said reports, bulletins and documents; (2) enter into such contractual agreements or arrangements with any of the compacting states or agencies thereof and with educational institutions and agencies as may be required in the judgment of the board to provide adequate services and facilities in educational fields covered by this compact; provided, that it shall be the policy of the board in the negotiation of its agreements to serve increased numbers of students from the compacting states through arrangements with then existing institutions, whenever in the judgment of the board adequate service can be so secured in the New England region. Each of the compacting states shall contribute funds to carry out the contracts of the board on the basis of the number of students from such state for whom the board may contract. Contributions shall be at the rate determined by the board in each educational field. Except in those instances where the board by specific action allocates funds available to it under Article VII hereof, the board's authority to enter into such contracts shall be only upon appropriation of funds by the compacting states. Any contract entered into shall be in accordance with rules and regulations promulgated by the board and in accordance with the laws of the compacting states.

ARTICLE VI.

Each state agrees that, when authorized by the legislature pursuant to the constitutional processes, it will from time to time make available to the board such funds as may be required for the expenses of the board as authorized under the terms of this compact. The contribution of each state for this purpose shall be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States of America, unless the board shall adopt another basis in making its recommendation for appropriation to the compacting states.

ARTICLE VII.

The board for the purposes of this compact is hereby empowered to receive grants, devises, gifts and bequests which the board may agree to accept and administer. The board shall administer property held in accordance with special trusts, grants and bequests, and shall also administer grants and devises of land and gifts or bequests of personal property made to the board for special uses, and shall execute said trusts, investing the proceeds thereof in notes or bonds secured by sufficient mortgage or other securities.

ARTICLE VIII.

The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any compacting state or of the United States the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby; provided, that if this compact is held to be contrary to the constitution of any compacting state the compact shall remain in full force and effect as to all other compacting states.

ARTICLE IX.

This compact shall continue in force and remain binding upon a compacting state until the legislature or the governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until two years after notice thereof has been sent by the governor of the state desiring to withdraw to the governors of all other states then parties to the compact. Such withdrawal shall not relieve the withdrawing state from its obligations accruing hereunder prior to the effective date of withdrawal. Any state so withdrawing, unless reinstated, shall cease to have any claim to or ownership of any of the property held by or vested in the board or to any of the funds of the board held under the terms of the compact. Thereafter, the withdrawing state may be reinstated by application after appropriate legislation is enacted by such state, upon approval by a majority vote of the board.

ARTICLE X.

If any compacting state shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights and privileges and benefits conferred by this compact or agreement hereunder shall be suspended from the effective date of such default as fixed by the board. Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state by affirmative vote of three fourths of the member states. Any such defaulting state may be reinstated by (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and approval by a majority vote of the board.

Approved August 30, 1954.

Public Law 720

CHAPTER 1090

AN ACT

To provide for the conveyance of certain land to the State of Oklahoma for the use and benefit of the Eastern Oklahoma Agricultural and Mechanical College at Wilburton, Oklahoma, and for other purposes.

August 30, 1954
[H. R. 1797]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to sell and quitclaim to the State of Oklahoma for the use and benefit of the Eastern Oklahoma Agricultural and Mechanical College, Wilburton, Oklahoma, all the right, title, and interest of the United States in and to certain lands in Latimer County, Oklahoma, more particularly described as follows:

Latimer County,
Okla.
Conveyance.

	Acres in R/W	Acres in Section	Acres in Township
T. 5 N., R. 18 E., I. M., Oklahoma:			
Sec. 1, Lot 1 (40.04 ac.), lot 2 (40.11 ac.), S- $\frac{1}{2}$ NE- $\frac{1}{4}$, N- $\frac{1}{2}$ SE- $\frac{1}{4}$, N- $\frac{1}{2}$ SE- $\frac{1}{4}$ SE- $\frac{1}{4}$ (subject to R/W C. O. & R. RR).....	7.62	260.15	260.15
T. 6 N., R. 18 E.:			
Sec. 25, S- $\frac{1}{2}$ S- $\frac{1}{2}$		160.00	
Sec. 26, S- $\frac{1}{2}$ S- $\frac{1}{2}$		160.00	
Sec. 35, N- $\frac{1}{2}$ NE- $\frac{1}{4}$, S- $\frac{1}{2}$ SW- $\frac{1}{4}$ NE- $\frac{1}{4}$, NW- $\frac{1}{4}$, SW- $\frac{1}{4}$ NE- $\frac{1}{4}$ SE- $\frac{1}{4}$, NW- $\frac{1}{4}$ SE- $\frac{1}{4}$ SE- $\frac{1}{4}$, S- $\frac{1}{2}$ SE- $\frac{1}{4}$ SE- $\frac{1}{4}$ (subject to R/W C. O. & R. RR in N- $\frac{1}{2}$ N- $\frac{1}{2}$).....	8.67	300.00	
Sec. 36, N- $\frac{1}{2}$ NW- $\frac{1}{4}$, NE- $\frac{1}{4}$, SE- $\frac{1}{4}$ (less 2 acres in N- $\frac{1}{2}$ SE- $\frac{1}{4}$).....		398.00	
			1,018.00
T. 5 N., R. 19 E.:			
Sec. 5, SW- $\frac{1}{4}$ NW- $\frac{1}{4}$		40.00	
T. 6 N., R. 19 E.:			
Sec. 31, Lot 4 (37.26 ac.), SE- $\frac{1}{4}$ SW- $\frac{1}{4}$		77.26	
			77.26
	Acres in Lot	Acres in R/W	Acres in Section
Townsite Addition No. 2 (T. 5 N., R. 19 E.):			
(in sec. 10):			
Lot 13.....	19.35		
Lot 14.....	20.04		
Lot 15.....	20.06		
Lot 16.....	20.00		
Lot 17.....	19.98		
Lot 18.....	19.96		
Lot 19.....	19.94		
Lot 28.....	9.65		
			148.98
(These lots comprise N- $\frac{1}{2}$ NE- $\frac{1}{4}$, NE- $\frac{1}{4}$ NW- $\frac{1}{4}$, E- $\frac{1}{2}$ NW- $\frac{1}{4}$ NW- $\frac{1}{4}$, NE- $\frac{1}{4}$ SE- $\frac{1}{4}$ NE- $\frac{1}{4}$ sec. 10).			
Townsite Addition No. 3 (T. 5 N., R. 19 E.):			
(in sec. 4):			
Lot 3.....	20.04		
(This lot comprises E- $\frac{1}{2}$ NW- $\frac{1}{4}$ SE- $\frac{1}{4}$ Sec. 4.)			
(in sec. 9):			
Lot 18.....	9.97		
Lot 19.....	9.93		
Lot 20.....	9.94		
Lot 21.....	9.96		
Lot 22.....	9.96		
Lot 23.....	9.97		
Lot 24.....	9.97		
Lot 30.....	10.05		
Lot 31.....	10.07		
Lot 34.....	5.02		
Lot 35.....	5.02		
Lot 36.....	5.02		
			104.88
(These lots comprise W- $\frac{1}{2}$ NE- $\frac{1}{4}$ NE- $\frac{1}{4}$, N- $\frac{1}{2}$ NW- $\frac{1}{4}$ NE- $\frac{1}{4}$, SE- $\frac{1}{4}$ NW- $\frac{1}{4}$ NE- $\frac{1}{4}$, W- $\frac{1}{2}$ NE- $\frac{1}{4}$ SE- $\frac{1}{4}$ NE- $\frac{1}{4}$, NW- $\frac{1}{4}$ SE- $\frac{1}{4}$ NE- $\frac{1}{4}$, N- $\frac{1}{2}$ N- $\frac{1}{2}$ NW- $\frac{1}{4}$ sec. 9.)			
Townsite Addition No. 4 (T. 5 N., R. 19 E.):			
(in sec. 5):			
Lot 7.....	20.01		
Lot 8.....	20.00		
Lot 10.....	11.58		
Lot 11.....	10.17		
Lot 25.....	1.79		
Lot 27.....	2.62		
Lot 28.....	2.17		
Lot 34.....	5.68		
Lot 35.....	4.31		
Lot 36.....	3.03		
Lot 37.....	3.78		
Lot 38.....	3.48		
Lot 39.....	5.00		
(These lots comprise NW- $\frac{1}{4}$ SW- $\frac{1}{4}$, NE- $\frac{1}{4}$ SW- $\frac{1}{4}$ SW- $\frac{1}{4}$, NW- $\frac{1}{4}$ SE- $\frac{1}{4}$ SW- $\frac{1}{4}$, S- $\frac{1}{2}$ SW- $\frac{1}{4}$ SW- $\frac{1}{4}$, W- $\frac{1}{2}$ SW- $\frac{1}{4}$ SE- $\frac{1}{4}$ SW- $\frac{1}{4}$, and land in NW- $\frac{1}{4}$ SW- $\frac{1}{4}$ SW- $\frac{1}{4}$, SE- $\frac{1}{4}$ SE- $\frac{1}{4}$ SW- $\frac{1}{4}$, SW- $\frac{1}{4}$ SW- $\frac{1}{4}$ SE- $\frac{1}{4}$ sec. 5.)			
(in sec. 8):			
Lot 40 (Subject R/W M. K. & T. RR).....	20.00	1.58	
Lot 63 (Subject R/W M. K. & T. RR).....	16.97	1.54	
Lot 64.....	2.84		
Lot 75 (Subject R/W C. R. I. & P. RR).....	16.28	1.11	
Lot 76 (Subject R/W C. R. I. & P. RR).....	12.84	1.38	
Lot 77 (Subject R/W C. R. I. & P. RR).....	11.29	1.21	
Lot 78 (Subject R/W C. R. I. & P. RR).....	20.57	1.47	
			93.42
(These lots comprise approximately S- $\frac{1}{2}$ N- $\frac{1}{2}$ SW- $\frac{1}{4}$, S- $\frac{1}{2}$ N- $\frac{1}{2}$ N- $\frac{1}{2}$ SW- $\frac{1}{4}$, NW- $\frac{1}{4}$ NW- $\frac{1}{4}$ sec. 8.)			
Townsite Addition No. 5 (T. 5 N., R. 19 E.):			
(in sec. 6):			
Lot 1.....	41.67		
Lot 2.....	41.12		
Lot 3.....	41.02		
			194.21

	Acres in Lot	Acres in R/W	Acres in Section	Acres in Ts. Add.
Lot 4.....	37.95			
Lot 5.....	32.60			
Lot 6.....	40.00			
Lot 7.....	39.85			
Lot 8.....	40.00			
Lot 12.....	19.92			
Lot 13.....	25.06			
Lot 14.....	20.25			
Lot 15.....	1.60			
Lot 16.....	2.78			
Lot 17 (subject R/W M. K. & T. RR).....	7.41	2.11		
Lot 18 (subject R/W M. K. & T. RR 1.91 ac. and C. R. I. & P. RR .05 ac.).....	22.38	1.97		
Lot 19 (subject R/W C. R. I. & P. RR).....	21.89	2.02		
Lot 20 (subject R/W C. R. I. & P. RR).....	18.09	3.92		
Lot 20½ (subject R/W C. R. I. & P. RR).....	7.90	1.00		
Lot 21 (subject R/W M. K. & T. RR 3.85 ac. and C. R. I. & P. RR 5.18 ac.).....	25.51	9.03		
Lot 22 (subject R/W M. K. & T. RR .10 ac. and C. R. I. & P. RR .20 ac.).....	4.90	.30		
Lot 23 (subject R/W M. K. & T. RR 2.10 ac. and C. R. I. & P. RR 1.37 ac.).....	5.99	3.47		
Lot 24.....	13.98			
Lot 25.....	10.00			
Lot 28.....	10.00			
Lot 29.....	10.00			
Lot 30.....	9.77			
(These lots comprise N-¼ SW-¼, SW-¼ SE-¼, W-¼ NW-¼ SE-¼, S-¼ SE-¼ SE-¼ Sec. 6.) (in sec. 7):				551.64
Lot 31.....	1.51			
Lot 32.....	6.66			
Lot 33.....	11.52			
Lot 34 (subject R/W M. K. & T. RR).....	18.60	2.72		
Lot 35 (subject R/W M. K. & T. RR).....	17.99	2.44		
Lot 36 (subject R/W C. R. I. & P. RR).....	9.99	2.29		
Lot 37 (subject R/W C. R. I. & P. RR).....	16.60	3.72		
Lot 38.....	1.38			
Lot 39 (subject R/W C. R. I. & P. RR).....	21.13	1.37		
Lot 40.....	9.70			
Lot 41.....	7.80			
Lot 42.....	39.98			
Lot 43 (subject R/W C. R. I. & P. RR).....	37.38	3.17		
				200.19
				751.83
(These lots comprise NE-¼, NE-¼ NW-¼ Sec. 7.) Total acres in Wilburton Project (subject to R/W 64.11 acres) all of which said lands are situated in Latimer County, Oklahoma.....				2,615.35

SEC. 2. The conveyance authorized by this Act shall be conditional upon the State of Oklahoma agreeing to pay to the Secretary of the Interior, in return for the lands conveyed, an amount equal to the appraised fair market value of such lands: *Provided*, That the State of Oklahoma shall be allowed a period of three years from the date of enactment of this Act to make payment therefor.

Payment.

SEC. 3. The quitclaim deed issued under the provisions of this Act shall contain a reservation to the United States of all mineral deposits in the lands conveyed and of the right to mine and remove the same, under applicable laws and regulations to be established by the Secretary of the Interior.

Mineral rights,
etc.

SEC. 4. Title to lands conveyed by the United States under this Act may be transferred by the State of Oklahoma only with the consent of the Secretary of the Interior, and the lands so conveyed shall not be used for any purpose other than for the benefit of the Eastern Oklahoma Agricultural and Mechanical College, unless the Secretary of the Interior consents to the use of the lands for another public purpose.

Limitations.

If, following conveyance as hereinbefore provided, the grantee or its successor attempts to transfer title to or control over these lands to another, or the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary of the Interior, title to the lands shall revert to the United States. This provision for reversion of title, however, shall cease to be in effect twenty-five years after conveyance.

Approved August 30, 1954.

Public Law 721

CHAPTER 1139

August 31, 1954
[S. 3482]

AN ACT

To amend the District of Columbia Unemployment Compensation Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946), as amended (title 46, ch. 3, D. C. Code, 1951 edition), is further amended as follows:

District of Co-
lumbia.
Unemployment
compensation.
57 Stat. 100.
D. C. Code 46-
301.
Service within
State.

Section 1 (b) (2) (B) is amended by adding at the end thereof the following:

“Service shall be deemed to be localized within a State if—

“(i) the service is performed entirely within such State; or

“(ii) the service is performed both within and without such State, but the service performed without such State is incidental to the individual’s service within the State, for example, is temporary or transitory in nature or consists of isolated transactions.”

Section 1 (b) (4) is amended to read as follows:

Service on ves-
sels.

“(4) Notwithstanding any other provisions of this subsection, the term employment shall also include all service performed after the effective date of this amendment by an officer or member of the crew of an American vessel on or in connection with such vessel, provided that the operating office, from which the operations of such vessel operating on navigable waters within or within and without the United States are ordinarily and regularly supervised, managed, directed, and controlled, is within the District.”

Section 1 (b) (5) is amended by adding at the end thereof the following subsections:

“(Q) service performed on or in connection with a vessel not an American vessel by an individual if he performed service on and in connection with such vessel when outside the United States;

“(R) service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States).”

Section 1 (b) is amended by adding at the end thereof the following subsections:

Services in em-
ployment.

“(7) Notwithstanding any of the provisions of subsection 1 (b) (5) of this Act, services shall be deemed to be in employment if with respect to such services a tax is required to be paid under any Federal law imposing a tax against which credit may be taken for contributions required to be paid into a State unemployment compensation fund.

“(8) (i) Any service performed for an employing unit, which is excluded under the definition of employment in section 1 (b) (5) and with respect to which no payments are required under the employment security law of another State or of the Federal Government may be deemed to constitute employment for all purposes of this Act: *Provided*, That the Board has approved a written election to that effect filed by the employing unit for which the service is performed, as of

Election by em-
ploying unit.

the date stated in such approval. No election shall be approved by the Board unless it (A) includes all the service of the type specified in each establishment or place of business for which the election is made, and (B) is made for not less than two calendar years.

"(ii) Any service which, because of an election by an employing unit under section 1 (b) (8) (i), is employment subject to this Act shall cease to be employment subject to the Act as of January 1 of any calendar year subsequent to the two calendar years of the election, only if not later than March 15 of such year, either such employing unit has filed with the Board a written notice to that effect, or the Board on its own motion has given notice of termination of such coverage."

Section 1 (c) is amended by repealing subsection (1) and renumbering subsection (2) to be subsection (1) and subsection (3) to be subsection (2) and subsection (4) to be subsection (3).

Section 1 (h) is amended to read as follows:

"(h) 'Benefit year' with respect to any individual means the fifty-two consecutive-week period beginning with the first day of the first week with respect to which the individual first files a valid claim for benefits, and thereafter the fifty-two consecutive-week period beginning with the first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with section 11 of this Act shall be deemed to be a 'valid claim' for the purposes of this subsection if the individual has during his base period been paid wages for employment by employers as required by the provisions of section 7 of the Act."

Section 1 (m) is amended to read as follows:

"(m) 'Employment office' means a free public employment office or branch thereof operated by this or any other State as a part of a State-controlled system of public employment offices or by a Federal agency or any agency of a foreign government charged with the administration of an unemployment-insurance program or free public employment offices."

Section 1 is amended by adding at the end thereof the following subsections:

"(t) The term 'American vessel' means any vessel documented or numbered under the laws of the United States; and includes any vessel which is neither documented or numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew performs service solely for one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any State.

"(u) The term 'principal base period employer' means the employer that paid a claimant the greatest amount of wages used in the computation of his claim. In the event two or more employers paid the claimant identical amounts, the employer in such group for whom the claimant most recently worked shall be the principal base period employer."

Section 3 (c) (1) is amended by adding at the end thereof the following:

"Each year the Board shall credit to each of such accounts having a positive reserve on the computation date, the interest earned by such accounts from the Federal Government. This shall be done by averaging the interest rate paid for the four quarters ending on the computation date and crediting to each such account the amount which the reserve on such computation date would earn at such average rate of interest."

Section 3 (c) (2) is amended by adding at the end thereof the following:

D. C. Code 46-301.

"Benefit year."

D. C. Code 46-311.
"Valid claim."

Post, p. 993.

"Employment office."

"American vessel."

"Principal base period employer."

D. C. Code 46-303.

Interest on reserve.

Notice of pay-
ment.

60 Stat. 527.
D. C. Code 46-
303.

Transfer of busi-
ness; successor.

"The principal base period employer shall be notified of each payment of benefits to a claimant at the time of such payment."

Section 3 (c) (7) (a) is amended to read as follows:

"(a) If 25 per centum or more of the business of any employer is transferred, the transferee shall be determined a successor for the purposes of this section.

"(i) If the Board is unable to get information upon which to determine whether or not 25 per centum of the business has been transferred, it may, in its discretion, make such determination based upon the quarterly payrolls of the employers involved for the last complete calendar quarter prior to the transfer and the first complete calendar quarter after such transfer.

"(ii) In the event of a transfer of 25 per centum or more of the assets of a covered employer's business by any means whatever, otherwise than in the ordinary course of trade, such transfer shall be deemed a transfer of business and shall constitute the transferee a successor hereunder, unless the Board, on its own motion or on application of an interested party, finds that all of the following conditions exist:

"(1) The transferee has not assumed any of the transferor's obligations;

"(2) The transferee has not continued or resumed transferor's goodwill;

"(3) The transferee has not continued or resumed the business of the transferor, either in the same establishment or elsewhere; and

"(4) The transferee has not employed substantially the same employees as those the transferor had employed in connection with the assets transferred."

Section 3 (c) (7) (c) is amended to read as follows:

"(c) The successor shall take over and continue the employer's account, including its reserve and all other aspects of its experience under this section, in proportion to the payroll assignable to the transferred business as determined for the purposes of this section by the Board. However, his successor shall take over only the reserve actually credited to the account of the transferor or for which the transferor has filed a claim with the Board at the date of transfer. The successor shall be secondarily liable for any amounts owed by the employer to the fund at the time of such transfer; but such liability shall be proportioned to the extent of the transfer of business and shall not exceed the value of the assets transferred."

Section 3 (c) (7) (d) is amended to read as follows:

Benefit charge-
ability.

"(d) The benefit chargeability of a successor's account under section 3 (c), if not accrued before the transfer date, shall begin to accrue on the transfer date in case the transferor's benefit chargeability was then accruing; or shall begin to accrue on the date otherwise applicable to the successor, or on the date otherwise applicable to the transferor, whichever is earlier, in case the transferor's benefit chargeability was not accruing on the transfer date. Similarly, benefits from a successor's account, if not chargeable before the transfer date, shall become chargeable on the transfer date, in case the transferor was then chargeable for benefit payments; or shall become chargeable on the date otherwise applicable to the successor or on the date otherwise applicable to the transferor, whichever is earlier, in case the transferor was chargeable for benefit payments on the transfer date."

Section 3 (c) (7) (f) is amended to read as follows:

Successor's rate
of contributions.

"(f) Notwithstanding any other provisions of this section, if the successor employer was an employer subject to this Act prior to the date of transfer, his rate of contributions the remainder of the calendar

year shall be his rate with respect to the period immediately preceding his date of acquisition. If the successor was not an employer prior to the date of transfer, his rate shall be the rate applicable to the transferor or transferors with respect to the period immediately preceding the date of transfer: *Provided*, That there was only one transferor or there were only transferors with identical rates; if the transferor rates were not identical, the successor's rate shall be the highest rate applicable to any of the transferors with respect to the period immediately preceding the date of transfer. The rate of the transferor, if still subject to the Act, will not be redetermined and shall remain the rate with respect to the period immediately preceding the date of transfer.

"For future years, for the purposes of section 3 (c), the Board shall determine the 'experience under this section' of the successor employer's account and of the transferring employer's account by allocating to the successor employer's account for each period in question the respective proportions of the transferring employer's payroll, contributions, and the benefit charges which the Board determines to be properly assignable to the business transferred."

Section 3(c) (7) (g) is hereby repealed.

Section 3 (c) (8) (i) is amended to read as follows:

"(i) If as of the computation date the total of all contributions credited to any employer's account, with respect to employment since May 31, 1939, is in excess of the total benefits paid after June 30, 1939, then chargeable or charged to his account, such excess shall be known as the employer's reserve, and his contribution rate for the ensuing calendar year or part thereof shall be—

"(A) 2.7 per centum if such reserve is less than 0.9 per centum of his average annual payroll;

"(B) 2 per centum if such reserve equals or exceeds 0.9 per centum but is less than 1.4 per centum of his average annual payroll;

"(C) 1.5 per centum if such reserve equals or exceeds 1.4 per centum but is less than 1.9 per centum of his average annual payroll;

"(D) 1 per centum if such reserve equals or exceeds 1.9 per centum but is less than 2.9 per centum of his average annual payroll;

"(E) 0.5 per centum if such reserve equals or exceeds 2.9 per centum but is less than 3.4 per centum of his average annual payroll;

"(F) 0.1 per centum if such reserve equals or exceeds 3.4 per centum of his average annual payroll."

Section 3 (c) (10) is amended by substituting the word "thirty" for the word "fifteen" in the second and seventh sentences thereof.

Section 3 is amended by adding at the end thereof the following new subsections:

"(e) From December 31, 1939, to January 1, 1955, wages, for the purpose of section 3, shall not include any amount in excess of \$3,000 paid by an employer to any person arising out of his or her employment during any calendar year. After December 31, 1954, wages shall not include any amount in excess of \$3,000 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act (26 U. S. C. 1600, 1607), whichever is greater) actually paid by an employer to any person during any calendar year. After December 31, 1954, the term 'employment' for the purpose of this subsection shall include services constituting employment under any employment security law of another State or of the Federal Government.

"(f) In the event the District of Columbia should elect to cover employees under this Act under the provisions of section 1 (b) (8)

60 Stat. 528.
D. C. Code 46-
303.
57 Stat. 107.
Contribution
rate.

Application for
review.

Wage limitation.

68A Stat. 439.

D. C. payments.
Ante, p. 988.

(i) in lieu of contributions required of employers under this Act, the District of Columbia shall pay into the fund an amount equivalent to the amount of benefits paid to individuals based on wages paid by the District. If benefits paid an individual are based on wages paid by both the District of Columbia and one or more other employers, the amount payable by the District to the fund shall bear the same ratio to total benefits paid to the individual as the base-period wages paid to the individual by the District of Columbia bears to the total amount of the base-period wages paid to the individual by all of his base-period employers.

"The amount of payment required under this section shall be ascertained by the Board quarterly and shall be paid from the general funds of the District at such time and in such manner as the Commissioners of the District of Columbia may prescribe except that to the extent that benefits are paid on wages paid by the District from special administrative funds, the payment by the District into the unemployment fund shall be made from such special funds.

"(g) Contributions due under this Act with respect to wages for insured work shall, for the purpose of this section, be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another State or Federal employment security law if payment into the fund of such contributions is made on such terms as the director finds will be fair and reasonable as to all affected interests. Payments to the fund under this subsection shall be deemed to be contributions for purposes of section 3."

D. C. Code 46-304.
Penalty for non-payment, etc.

Section 4 (c) is amended to read as follows:

"(c) (1) If contributions are not paid when due, there shall be added, as part of the contributions, interest at the rate of one-half of 1 per centum per month or fraction thereof from the date the contributions became due until paid.

"(2) If contributions or wage reports are not filed when due or contributions are not paid when due, there shall be added as part of the contributions a penalty of 10 per centum of the contributions, but such penalty shall not be less than \$5 nor more than \$25 and for good cause such penalty may be waived by the Board with the approval of the Commissioners of the District of Columbia."

Section 4 (d) is amended to read as follows:

Death, dissolution, etc., of employer.
Priority of claims.

"(d) In the event of the death, dissolution, insolvency, receivership, bankruptcy, composition, or assignment for benefit of creditors of any employer, contributions then or thereafter due from such employer under this section shall have priority over all other claims, except taxes due the United States or the District, and wages (not exceeding \$600 with respect to any individual) due for services performed within the three months preceding such event."

Section 4 (j) is amended by substituting the following:

Charging off of accounts.

"(j) The Board in its discretion, whenever it may deem it administratively advisable, may charge off of its books any unpaid account due the Board or any credit due an employer who has been out of business for a period of more than three years. Whenever an account is charged off by the Board, there shall be placed in the minutes of the Board a reason for such action."

Escrow account.

Section 4 (1) is amended by adding at the end thereof the following: "There is hereby established in the Treasury of the United States a special escrow account into which the Board shall deposit all funds received in connection with an offer of compromise. Such funds shall be kept in such escrow account until final action is had upon the offer of compromise and shall not be subject to offset for any indebtedness whatsoever. In the event the compromise is approved, the funds shall be transferred to the District Unemployment Compensation Funds. In

the event the compromise is disapproved, the funds shall be immediately returned to the individual who made the offer of compromise.”

Section 7 is amended to read as follows:

D. C. Code 46-307.

“AMOUNT AND DURATION OF BENEFITS

“SEC. 7. (a) On and after January 1, 1938, benefits shall become payable from the benefit account of the District unemployment fund. All benefits shall be paid through employment offices, in accordance with such regulations as the Board may prescribe.

“(b) Except as provided in section 7 (c), an individual’s weekly benefit amount shall be the amount in column (B) of the table in this subsection on the line on which, in column (A), there appears his total wages for employment paid to such individual by employers during that quarter of his base period in which such wages were the highest.

“TABLE A

“High-quarter wages (col. A)	Basic weekly benefit (col. B)	Minimum qualifying wages (col. C)
\$130.00 to \$184.....	\$8	\$276
\$184.01 to \$207.....	9	310
\$207.01 to \$230.....	10	345
\$230.01 to \$253.....	11	379
\$253.01 to \$276.....	12	414
\$276.01 to \$299.....	13	448
\$299.01 to \$322.....	14	483
\$322.01 to \$345.....	15	517
\$345.01 to \$368.....	16	552
\$368.01 to \$391.....	17	586
\$391.01 to \$414.....	18	621
\$414.01 to \$437.....	19	655
\$437.01 to \$460.....	20	690
\$460.01 to \$483.....	21	724
\$483.01 to \$506.....	22	759
\$506.01 to \$529.....	23	793
\$529.01 to \$552.....	24	828
\$552.01 to \$575.....	25	862
\$575.01 to \$598.....	26	897
\$598.01 to \$621.....	27	931
\$621.01 to \$644.....	28	966
\$644.01 to \$667.....	29	1,000
\$667.01 and over.....	30	1,035

“(c) To qualify for benefits an individual must have been paid wages for employment in his base period totaling not less than the amount in column (C) of the table in section 7 (b) on the line on which, in column (B), there appears his weekly benefit amount, and such wages must have been in at least two calendar quarters in his base period: *Provided*, That if an individual during his base period has not been paid such an amount, but has been paid wages in more than one calendar quarter totaling not less than the amount appearing on one of the lines in column (C) above, he can qualify for benefits and his weekly benefit amount shall be the amount appearing in column (B) on the line for which the individual qualifies for benefits in column (C).

“(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to twenty-six times his weekly benefit amount or thirty-three and one-third per centum of the wages for employment paid to such individual by employers during his base period, whichever is the lesser: *Provided*, That such total amount of benefits, if not a multiple of \$1, shall be computed to the next higher multiple of \$1.

“(e) Any individual who is unemployed in any week as defined in section 1 (e) and who meets the conditions of eligibility for benefits of section 9 and is not disqualified under the provisions of section 10 shall be paid with respect to such week an amount equal to his weekly benefit

D. C. Code 46-301(e).

amount, less the earnings (if any) payable to him with respect to such week. For the purpose of this subsection, the term 'earnings' shall include only that part of the remuneration payable to him for such week which is in excess of 40 per centum of his weekly benefit amount for any week. Such benefits, if not a multiple of \$1, shall be computed to the next higher multiple of \$1."

"(f) **DEPENDENT'S ALLOWANCE.**—In addition to the benefits payable under the foregoing subsections of this section, each eligible individual who is unemployed in any week shall be paid with respect to such week \$1 for each dependent relative, but not more than \$3 shall be paid to an individual as dependent's allowance with respect to any one week of unemployment nor shall any weekly benefit which includes a dependent's allowance be paid in the amount of more than \$30. An individual's number of dependents shall be determined as of the day with respect to which he first files a valid claim for benefits in any benefit year, and shall be fixed for the duration of such benefit year. The dependent's allowance is not to be taken into consideration in calculating the claimant's total amount of benefits in subsection (d) of this section."

Disqualifica-
tions,
D. C. Code 46-
310.
Leaving work
without good
cause.

Section 10 (a) is amended to read as follows:

"(a) An individual who has left his most recent work voluntarily without good cause, as determined by the Board under regulations prescribed by it, shall not be eligible for benefits with respect to the week in which such leaving occurred and with respect to not less than four nor more than nine consecutive weeks of unemployment which immediately follow such week, as determined by the Board in such case according to the seriousness of the case. In addition such individual's total benefit amount shall be reduced in a sum equal to the number of weeks of disqualification multiplied by the weekly benefit amount."

Discharge for
misconduct.

Section 10 (b) is amended to read as follows:

"(b) An individual who has been discharged for misconduct occurring in the course of his most recent work proved to the satisfaction of the Board shall not be eligible for benefits with respect to the week in which such discharge occurred and for not less than four nor more than nine weeks of consecutive unemployment immediately following such week, as determined by the Board in such case according to the seriousness of the misconduct. In addition such individual's total benefit amount shall be reduced in a sum equal to the number of weeks of disqualification multiplied by his weekly benefit amount."

Failure to apply
for or accept new
work.

Section 10 (c) is amended to read as follows:

"(c) If an individual otherwise eligible for benefits fails, without good cause as determined by the Board under regulations prescribed by it, either to apply for new work found by the Board to be suitable when notified by any employment office or to accept any suitable work when offered to him by any employment office, his union hiring hall, or any employer direct, he shall not be eligible for benefits with respect to the week in which such failure occurred and with respect to not less than four nor more than nine consecutive weeks of unemployment which immediately follow such week, as determined by the Board in such case according to the seriousness of the refusal. In addition such individual's total benefit amount shall be reduced in a sum equal to the number of weeks of disqualification multiplied by the weekly benefit amount. In determining whether or not work is suitable within the meaning of this subsection the Board shall consider (1) the physical fitness and prior training, experience and earnings of the individual, (2) the distance of the place of work from the individual's place of residence, and (3) the risk involved as to health, safety, or morals."

Section 10 (f) is amended to read as follows:

"(f) An individual shall not be eligible for benefits with respect to any week if it has been found by the Board that such individual is unemployed in such week as a direct result of a labor dispute still in active progress in the establishment where he is or was last employed: *Provided*, That this subsection shall not apply if it is shown to the satisfaction of the Board that—

D. C. Code 46-310.
Labor disputes.

"(1) he is not participating in or directly interested in the labor dispute which caused his unemployment; and

"(2) he does not belong to a grade or class of workers of which, immediately before the commencement of the dispute, there were members employed at the premises at which the dispute occurs, any of whom are participating in or directly interested in the dispute: *Provided*, That if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises."

Section 10 is amended by adding at the end thereof the following subsection:

"(h) An individual shall not be eligible for benefits for any week within the six weeks prior to the expected date of such individual's childbirth and within the six weeks after the date of such childbirth. In determining the expected date of childbirth the Board in its discretion may rely solely upon a doctor's certificate."

Childbirth.

Section 13 (c) is amended to read as follows:

"(c) The Board shall each year, not later than May 1, submit to Congress a report covering the administration and operation of this Act during the preceding calendar year, and containing such recommendations as the Board wishes to make."

D. C. Code 46-313.
Report to Congress.
Post, p. 996.

Section 14 is amended to read as follows:

"SEC. 14. All moneys received by the Board from the United States under title III of the Social Security Act or from other sources for administering this Act shall, immediately upon such receipt, be deposited in the Treasury of the United States as a special deposit to be used solely to pay such administrative expenses (including expenditures for rent, for suitable office space in the District of Columbia, and for lawbooks, books of reference, and periodicals), traveling expenses when authorized by the Board, premiums on the bonds of its employees, and allowances to investigators for furnishing privately owned motor vehicles in the performance of official duties at rates not to exceed \$40 per month. All such payments of expenses shall be made by checks drawn by the Board and shall be subject to audit by the Commissioners of the District of Columbia in the same manner as are payments of other expenses of the District. Notwithstanding the provisions of this section and the provisions of sections 2 and 8 of this Act, the Board is authorized to requisition and receive from its account in the Unemployment Trust Fund in the Treasury of the United States of America, in the manner permitted by Federal law, such moneys standing to the District's credit in such fund, as are permitted by Federal law to be used for expenses incurred by the Board for the administration of this Act and to expend such moneys for such purposes. Moneys so received shall, immediately upon such receipt, be deposited in the Treasury of the United States in the same special account as are all other moneys received for the administration of this Act. All moneys received by the Board pursuant to section 302 of the Social Security Act shall be expended solely for the purposes and in the amounts found necessary by the Department of Labor for the proper and efficient administration

D. C. Code 46-314.
Payment of expenses.
49 Stat. 626.
42 USC 501-503.

D. C. Code 46-302, 46-308.

42 USC 502.

53 Stat. 1379.
42 USC 503(a)
(9).
Ante, p. 995.
42 USC 501-503.

of this Act. In lieu of incorporation in this Act of the provision described in section 303 (a) (9) of the Social Security Act, the Board shall include in its annual report to Congress, provided in section 13 (c) of this Act, a report of any moneys received after July 1, 1941, from the Department of Labor under title III of the Social Security Act, and any unencumbered balances in the unemployment compensation administration fund as of that date, which the Department of Labor finds have, because of any action or contingency, been lost or have been expended for purposes other than, or in amounts in excess of, those found necessary by the Department of Labor for the proper administration of this Act."

D. C. Code 46-
315(c).
Compensation of
representatives.

Section 15 (c) is amended to read as follows:

"(c) The Commissioners of the District shall serve on the Board without additional compensation, but the representatives of employees and employers, respectively, shall be paid \$25 for each day of active service. For the purposes of this subsection, a part of a day shall be construed as an entire day."

D. C. Code 46-
319.
False state-
ments, etc.
Penalty.

Section 19 (a) is amended to read as follows:

"(a) Whoever makes a false statement or representation knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment provided for in this Act or under an employment security law of any other State, of the Federal Government, or a foreign government for himself or any other individual, shall, for each such offense, be fined not more than \$100 or imprisoned not more than sixty days, or both."

Section 19 is amended by adding at the end thereof the following subsection:

"(e) Any person who the Board finds has made a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to obtain or increase any benefit or any other payment under this Act may be required by the Board to repay to it for the fund a sum equal to the amount of all benefits received by him for weeks subsequent to the date of the offense and falling within the benefit year current at the time of the offense. Such claimant may also be disqualified for benefits for all or part of the remainder of such benefit year and for a period of not more than one year commencing with the end of such benefit year and thereafter while any sum payable to the Board for the fund under this subsection is still due and unpaid, unless the Board in its discretion shall decide, after the disqualification imposed has been served, to allow the claimant to file a claim for benefits and recoup from such benefits the amount still payable to the Board.

"All findings under this subsection shall be made by an appeals tribunal of the Board which shall afford the claimant a reasonable opportunity for a fair hearing in accordance with the provisions of section 11 of this Act and such findings shall be subject to review in the same manner as all other disqualifications decided by an appeals tribunal of the Board."

D. C. Code 46-
325.
Performance of
duties.

There shall be added after section 26 the following:

"Sec. 27. (a) Wherever this Act prescribes the performance of a duty by any official or agency of the District of Columbia, such duty shall be performed by the Commissioners of the District of Columbia or such officer, employee, or agency as the Commissioners may delegate to perform the duty for them.

"(b) Where any provision of this Act, or any amendment made by this Act, refers to an office or agency abolished by or under the authority of Reorganization Plan Numbered 5 of 1952, such reference shall be deemed to be to the office, agency, or officer exercising the functions of the office or agency so abolished."

66 Stat. 824.
D.C. Code 1-app.

TRANSITION PROVISIONS

SEC. 2. (a) As used in this section, unless the context clearly requires otherwise—

(1) "old law" means the unemployment compensation law prior to its amendment by this Act;

(2) "new law" means the unemployment compensation law as amended by this Act; and

(3) "effective date" means the date upon which the new law becomes effective.

(b) The benefit rights of any individual having a benefit year current on or after the effective date shall be redetermined and benefits for calendar weeks ending subsequent to the effective date shall be paid in accordance with the new law: *Provided*, That no claimant shall have his benefits reduced or denied by redetermination resulting from the application of this provision. All initial and continued claims for benefits for weeks occurring within a benefit year which commences on or after the effective date shall be computed and paid in accordance with the new law.

EFFECTIVE DATE

SEC. 3. This Act shall take effect on January 1, 1955.
Approved August 31, 1954.

Public Law 722

CHAPTER 1140

JOINT RESOLUTION

To approve the conveyance by the Tennessee Valley Authority of certain public-use terminal properties now owned by the United States.

August 31, 1954
[S. J. Res. 170]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress, pursuant to section 4 (k) (b) of the Tennessee Valley Authority Act of 1933, as amended (55 Stat. 599-600; 16 U. S. C. 831c (k) (b)), hereby approves the conveyance by the Tennessee Valley Authority in the name of the United States, by deed, lease, or otherwise, for the purposes of said section 4 (k) (b) and on the basis of the fair sale or rental value determined by the Tennessee Valley Authority, of the public-use terminal properties now owned by the United States and in the custody of the Tennessee Valley Authority at Knoxville, Chattanooga, and Harriman, Tennessee, and Decatur and Gunterville, Alabama.

TVA.
Conveyance.

Approved August 31, 1954.

Public Law 723

CHAPTER 1141

JOINT RESOLUTION

To authorize the President to proclaim the week of November 28, 1954, through December 4, 1954, as "National Salvation Army Week".

August 31, 1954
[S. J. Res. 173]

Whereas in October of 1879 a lone woman Salvation Army officer, Lieutenant Eliza Shirley, encouraged the formation of an official party, comprising seven women officers and Commissioner George Scott Railton, to extend the work of the Salvation Army in the United States; and

Whereas today the Salvation Army has grown into a huge operation with its three thousand nine hundred and ninety-six officers

administering six thousand four hundred centers of charitable and religious work assisted by thirty-four thousand six hundred and eighty-seven prominent citizens of all races and creeds who have formally associated themselves in the close relationship of lay leadership; and

Whereas the Salvation Army, acting under a charter issued by the State of New York in 1899, is an organization designed to operate as a religious and charitable organization with the following purposes: The spiritual, moral, and physical reformation of all who need it; the reclamation of the vicious, criminal, dissolute, and degraded; visitation among the poor and lonely and sick; the preaching of the Gospel and dissemination of Christian truth by means of open-air and indoor meetings: Therefore be it

National Salvation Army Week.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is requested and authorized to officially proclaim the week beginning November 28, 1954, through December 4, 1954, as "National Salvation Army Week".

Approved August 31, 1954.

Public Law 724

CHAPTER 1142

AN ACT

August 31, 1954
[S. 361]

To provide for renewal of and adjustment of compensation under contracts for carrying mail on water routes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last two paragraphs of section 3951 of the Revised Statutes, as amended (39 U. S. C., sec. 434), are amended by striking out the words "star-route or screen vehicle service" wherever they appear in such paragraphs and inserting in lieu thereof "star-route, screen vehicle service, or inland water-route".

Approved August 31, 1954.

Public Law 725

CHAPTER 1143

AN ACT

August 31, 1954
[S. 2308]

To authorize and direct the investigation by the Attorney General of certain offenses, and for other purposes.

Attorney General and FBI.

Authority to investigate certain offenses.

62 Stat. 683.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, and without limiting the authority to investigate any matter which may have been or may hereafter be conferred upon them, or upon any other department or agency of the Government, the Attorney General and the Federal Bureau of Investigation shall have authority to investigate any violation of title 18, United States Code, involving Government officers and employees. Any information, allegation, or complaint received in any department or agency of the executive branch of the Government relating to said violations involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of such department or agency, unless the responsibility to perform an investigation with respect thereto is specifically otherwise assigned by another provision of law, or unless the Attorney General otherwise directs with respect, as to any department or agency of the Government, to

any specified class of information, allegation, or complaint: *Provided*, That the provisions of this section shall not limit, in any way, the existing authority of the military departments to investigate persons or offenses over which the Armed Forces have jurisdiction under the Uniform Code of Military Justice: *Provided further*, That the provisions of this section shall not limit, in any way, the primary authority of the Postmaster General to investigate postal offenses.

64 Stat. 107.
50 USC 551-741.

SEC. 2. Section 3056 of title 18, United States Code, is amended by striking out the following: "detect and arrest any person violating any laws of the United States directly concerning official matters administered by and under the direct control of the Treasury Department;"

62 Stat. 818.

Approved August 31, 1954.

Public Law 726

CHAPTER 1144

AN ACT

To modify the Act of October 8, 1940 (54 Stat. 1020) and the Act of July 24, 1947 (61 Stat. 418) with respect to the recoupment of certain public school construction costs in Minnesota.

August 31, 1954
[S. 3108]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective on July 1, 1954, the recoupment requirements of the Act of October 8, 1940 (54 Stat. 1020) and the Act of July 24, 1947 (61 Stat. 418), shall become inapplicable to the unrecouped balances of funds expended pursuant to such Acts.

Minnesota.
School costs.

Approved August 31, 1954.

Public Law 727

CHAPTER 1145

AN ACT

To provide emergency credit.

August 31, 1954
[S. 3245]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until June 30, 1955, the Secretary is authorized to make emergency loans for any agricultural purposes, except for refinancing of existing indebtedness, aggregating not to exceed \$15,000,000 to farmers and stockmen in any area or areas where the Secretary determines that there is a need for such credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs or under the Act of April 6, 1949, or other responsible sources.

Agricultural
loans.
Emergency.

SEC. 2. Loans under this Act shall (1) be made only to individuals or partnerships who are actively engaged in the operation of farms or ranches; (2) not exceed \$15,000 in the case of any one loan; (3) not be made to any one borrower so as to increase the total indebtedness of such borrower under this Act to an amount in excess of \$20,000 (including principal and accrued interest); (4) be made at such rates of interest and on such terms and conditions as the Secretary shall prescribe for such area or areas; and (5) be secured by the personal obligation and available security of the producer or producers.

SEC. 3. The Secretary may utilize the revolving fund created by section 84 of the Farm Credit Act of 1933, as amended (12 U. S. C.

48 Stat. 273.

1148a), for making loans under this Act, and for administrative expenses in connection with such loans. Sums received by the Secretary from the liquidation of loans made under this Act shall be added to and become a part of the said revolving fund.

Approved August 31, 1954.

Public Law 728

CHAPTER 1146

August 31, 1954
[S. 3329]

AN ACT

To amend the District of Columbia Police and Firemen's Salary Act of 1953 to correct certain inequities.

D. C. police and
firemen's salaries.
67 Stat. 74.
D. C. Code 4-
814.
D. C. Code 4-
813.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 102 of the District of Columbia Police and Firemen's Salary Act of 1953, approved June 20, 1953 (67 Stat. 77), as amended, is amended to read as follows:

"(d) The minimum basic salaries contained in subsection (a) of section 101 of this Act in the grade or rank of Chief of Police shall not be increased by more than four longevity increases, nor shall the minimum basic salaries of grades or ranks below that of Chief of Police be increased by more than five longevity increases."

SEC. 2. Section 102 of said Act is amended by adding thereto the following new subsection:

"(f) In initially adjusting salaries in accordance with the provisions of this section, any officer or member promoted from a lower grade to a higher grade prior to July 1, 1953, shall receive credit for such part of continuous service in both grades for longevity purposes as is necessary to establish his basic salary, including longevity pay, at least equal to the basic salary he would have received under the provisions of this section in the lower grade had such promotion not been made. Service for future longevity increases of any officer or member whose salary is adjusted under authority of this subsection shall begin as of the date such adjustment became effective."

D. C. Code 4-
816.

SEC. 3. Subsection (d) of section 202 of said Act, as amended, is amended to read as follows:

D. C. Code 4-
815.

"(d) The minimum basic salaries contained in subsection (a) of section 201 of this Act in the grade or rank of Fire Chief shall not be increased by more than four longevity increases, nor shall the minimum basic salaries of grades or ranks below that of Fire Chief be increased by more than five longevity increases."

SEC. 4. Section 202 of said Act is amended by adding thereto the following new subsection:

"(f) In initially adjusting salaries in accordance with the provisions of this section, any officer or member promoted from a lower grade to a higher grade prior to July 1, 1953, shall receive credit for such part of continuous service in both grades for longevity purposes as is necessary to establish his basic salary, including longevity pay, at least equal to the basic salary he would have received under the provisions of this section in the lower grade had such promotion not been made. Service for future longevity increases of any officer or member whose salary is adjusted under authority of this subsection shall begin as of the date such adjustment became effective."

D. C. Code 4-
815.

SEC. 5. Section 201 of the District of Columbia Police and Firemen's Salary Act of 1953 is amended by inserting after subsection (a) the following new subsection:

Fire Department
privates.

"(b) The annual basic salary of a private of any class of the Fire Department of the District of Columbia shall be increased by—

"(1) \$390, while he is assigned to duty as an aide to the Fire Chief or to a Deputy or Battalion Fire Chief;

"(2) \$208, while he is assigned to duty as a regular first driver-operator of a fire department hose wagon, aerial ladder truck, rescue squad, or fire department ambulance;

"(3) \$390, while he is assigned to duty as a chief radio technician; and

"(4) \$208, while he is assigned to duty as a chief photographer."

SEC. 6. Sections 1, 2, 3, and 4 shall take effect as of July 1, 1953, and section 5 shall take effect on the first day of the first pay period of the Fire Department of the District of Columbia which begins after the date of the enactment of this Act.

Approved August 31, 1954.

Effective date.

Public Law 729

CHAPTER 1147

AN ACT

To amend the Internal Revenue Code to permit the filling of oral prescriptions for certain drugs, and for other purposes.

August 31, 1954
[S. 3447]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2554 (c) (1) of the Internal Revenue Code of 1939 is amended to read as follows:

Narcotic drugs.
Oral prescriptions.
68 A Stat. 942,
551.

"(1) USE OF DRUGS IN PROFESSIONAL PRACTICE.—To the dispensing or distribution of narcotic drugs to a patient by a physician, dentist, veterinary surgeon, or other practitioner, registered under section 3221, in the course of his professional practice only: *Provided*, That such physician, dentist, veterinary surgeon, or other practitioner, shall keep a record of all such drugs dispensed or distributed, showing the amount dispensed or distributed, the date, and the name and address of the patient to whom such drugs are dispensed or distributed, except such as may be dispensed or distributed to a patient upon whom such physician, dentist, veterinary surgeon, or other practitioner, shall personally attend; and such record shall be kept for a period of two years from the date of dispensing or distributing such drugs, subject to inspection, as provided in section 2556."

68 A Stat. 946,
555.

SEC. 2. Section 2554 (c) (2) of the Internal Revenue Code of 1939 is amended to read as follows:

68 A Stat. 942,
567.

"(2) PRESCRIPTION.—To the sale, dispensing, or distribution of narcotic drugs by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, veterinary surgeon, or other practitioner, registered under section 3221: *Provided, however*, That (1) such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, veterinary surgeon, or other practitioner, who shall have issued the same; (2) that such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials mentioned in section 2556.

"In lieu of a written prescription for such narcotic drugs or compounds of a narcotic drug which the Secretary, in his discretion (after considering any views expressed on the subject by the Surgeon General, United States Public Health Service; the Commissioner, United States Food and Drug Administration, the respective heads of State narcotic law enforcement agencies, and

the respective secretaries of national associations representing (a) narcotic drug manufacturers, (b) physicians, and (c) pharmacists), shall find and by regulation designate to possess relatively little or no addiction liability, the sale, dispensing, or distribution may be made by a dealer to a consumer upon oral prescription of a duly registered physician, dentist, veterinary surgeon, or other practitioner, which oral prescription is reduced promptly to writing, and the writing filed and preserved by the dealer for a period of two years from the date on which such prescription is filled in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials mentioned in section 2556. In issuing an oral prescription, the prescriber shall furnish the dealer with the same information as is required by law or regulation in case of a written prescription for narcotic drugs or compounds of a narcotic drug except for the written signature of the prescriber, and the dealer who fills such prescription shall be required to inscribe such information on the written record of the prescription made, filed and preserved by him, and shall inscribe on the label of the container of the narcotic drug or compound of a narcotic drug the same information as is required in filling a written prescription. An oral prescription shall not be refilled.

"If the Secretary shall subsequently determine that a narcotic drug or a compound of a narcotic drug, to which the oral prescription procedure described in the preceding paragraph has been made applicable, possesses a degree of drug addiction liability that, in his opinion, results in abusive use of such procedure, he shall by regulation publish the determination in the Federal Register. The determination shall be final, and after the expiration of a period of six months from the date of its publication, the oral prescription procedure described in the preceding paragraph shall cease to apply to the particular narcotic drug or to the particular compound of a narcotic drug which is the subject of the determination."

Publication in
FR.

68 A Stat. 942,
551.

SEC. 3. Section 2553 (b) (1) of the Internal Revenue Code of 1939 is amended to read as follows:

"(1) PRESCRIPTIONS.—To any person having in his or her possession any narcotic drugs or compounds of narcotic drug which have been obtained from a registered dealer in pursuance of a written or oral prescription referred to in section 2554 (c) (2), issued for legitimate medical uses by a physician, dentist, veterinary surgeon, or other practitioner registered under section 3221; and where the bottle or other container in which such narcotic drug or compound of a narcotic drug may be put up by the dealer upon said prescription bears the name and registry number of the druggist, and name and address of the patient, serial number of prescription, and name, address, and registry number of the person issuing said prescription; or".

68 A Stat. 942,
567.

SEC. 4. Section 2556 (a) of the Internal Revenue Code of 1939 is amended by placing a comma after the word "prescriptions" in the first sentence thereof and interpolating immediately following said comma, the phrase "including the written record of oral prescriptions,".

68 A Stat. 946,
556.

SEC. 5. Section 3224 (b) (5) of the Internal Revenue Code of 1939 is amended to read as follows:

"(5) to any person carrying any narcotic drug or compound of a narcotic drug which has been obtained by the person from a registered dealer in pursuance of a written or oral prescription referred to in section 2554 (c) (2), issued for legitimate medical

68 A Stat. 942,
551.

uses by a physician, dentist, veterinary surgeon, or other practitioner, registered under section 3221, if the bottle or other container in which such drug or compound of a narcotic drug is carried bears the name and registry number of the druggist, serial number of prescription, name and address of the patient, and name, address, and registry number of the person issuing such prescription."

68 A Stat. 946,
555.

SEC. 6. Section 4705 (c) (1) of the Internal Revenue Code of 1954 is amended to read as follows:

68 A Stat. 551.

"(1) USE OF DRUGS IN PROFESSIONAL PRACTICE.—To the dispensing or distribution of narcotic drugs to a patient by a physician, dentist, veterinary surgeon, or other practitioner registered under section 4722, in the course of his professional practice only: *Provided*, That such physician, dentist, veterinary surgeon, or other practitioner shall keep a record of all such drugs dispensed or distributed, showing the amount dispensed or distributed, the date, and the name and address of the patient to whom such drugs are dispensed or distributed, except such as may be dispensed or distributed to a patient upon whom such physician, dentist, veterinary surgeon, or other practitioner shall personally attend; and such record shall be kept for a period of two years from the date of dispensing or distributing such drugs, subject to inspection, as provided in section 4773."

68 A Stat. 555.

SEC. 7. Section 4705 (c) (2) of the Internal Revenue Code of 1954 is amended to read as follows:

68 A Stat. 567.
68 A Stat. 551.

"(2) PRESCRIPTIONS.—(A) To the sale, dispensing, or distribution of narcotic drugs by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, veterinary surgeon, or other practitioner registered under section 4722: *Provided, however*, That (i) such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, veterinary surgeon, or other practitioner who shall have issued the same; (ii) that such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials mentioned in section 4773.

68 A Stat. 555.

"(B) In lieu of a written prescription for such narcotic drugs or compounds of a narcotic drug which the Secretary or his delegate, in his discretion (after considering any views expressed on the subject by the Surgeon General, United States Public Health Service; the Commissioner, United States Food and Drug Administration; the respective heads of State narcotic law enforcement agencies; and the respective secretaries of national associations representing (i) narcotic drug manufacturers, (ii) physicians, and (iii) pharmacists), shall find and by regulation designate to possess relatively little or no addiction liability, the sale, dispensing, or distribution may be made by a dealer to a consumer upon oral prescription of a duly registered physician, dentist, veterinary surgeon, or other practitioner, which oral prescription is reduced promptly to writing, and the writing filed and preserved by the dealer for a period of two years from the date on which such prescription is filled in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials mentioned in section 4773. In issuing an oral prescription, the prescriber shall furnish the dealer with the same information as is required by law or regulation in case of a written prescription for narcotic drugs or compounds of a narcotic drug except for the written signature of the prescriber,

68 A Stat. 567.

and the dealer who fills such prescription shall be required to inscribe such information on the written record of the prescription made, filed and preserved by him, and shall inscribe on the label of the container of the narcotic drug or compound of a narcotic drug the same information as is required in filling a written prescription. An oral prescription shall not be refilled.

Publication in
FR.

“(C) If the Secretary or his delegate shall subsequently determine that a narcotic drug or a compound of a narcotic drug, to which the oral prescription procedure described in the preceding subparagraph has been made applicable, possesses a degree of drug addiction liability that, in his opinion, results in abusive use of such procedure, he shall by regulation publish the determination in the Federal Register. The determination shall be final, and after the expiration of a period of six months from the date of its publication, the oral prescription procedure described in the preceding subparagraph shall cease to apply to the particular narcotic drug or to the particular compound of a narcotic drug which is the subject of the determination.”

68A Stat. 551. SEC. 8. Section 4704 (b) (1) of the Internal Revenue Code of 1954 is amended to read as follows:

“(1) PRESCRIPTIONS.—To any person having in his or her possession any narcotic drugs or compounds of narcotic drug which have been obtained from a registered dealer in pursuance of a written or oral prescription referred to in section 4705 (c) (2), issued for legitimate medical uses by a physician, dentist, veterinary surgeon, or other practitioner registered under section 4722; and where the bottle or other container in which such narcotic drug or compound of a narcotic drug may be put up by the dealer upon said prescription bears the name and registry number of the druggist, and name and address of the patient, serial number of prescription, and name, address, and registry number of the person issuing said prescription; or”.

68A Stat. 567. SEC. 9. Section 4773 of the Internal Revenue Code of 1954 is amended by striking out “prescriptions required” and inserting in lieu thereof “prescriptions, including the written record of oral prescriptions, required”.

68A Stat. 556. SEC. 10. Section 4724 (b) (5) of the Internal Revenue Code of 1954 is amended to read as follows:

“(5) to any person carrying any narcotic drug or compound of a narcotic drug which has been obtained by the person from a registered dealer in pursuance of a written or oral prescription referred to in section 4705 (c) (2), issued for legitimate medical uses by a physician, dentist, veterinary surgeon, or other practitioner registered under section 4722, if the bottle or other container in which such drug or compound of a narcotic drug is carried bears the name and registry number of the druggist, serial number of prescription, name and address of the patient, and name, address, and registry number of the person issuing such prescription;”

Approved August 31, 1954.

Public Law 730

CHAPTER 1148

August 31, 1954
[S. 3627]

AN ACT

To amend the Civil Service Retirement Act, as amended.

Civil service re-
tirement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of

the Civil Service Retirement Act of May 29, 1930, as amended, is amended by adding at the end thereof the following:

46 Stat. 472.
5 USC 707.

"Notwithstanding any provision of law to the contrary, title to annuity payable from the civil service retirement and disability fund shall not arise from any separation unless the officer or employee so separated has, within the two-year period immediately preceding such separation, completed at least one year of creditable civilian service during which he was subject to this Act. Any annuity rights based on a separation which (a) terminated service meeting this requirement, or (b) occurred prior to this amendment, shall be restored upon separation from subsequent service which fails to meet said requirement. Any officer or employee who shall have given notice of his desire to come within the purview of this Act pursuant to the last paragraph of section 3 (a) of this Act shall be deemed for the purposes of this requirement to have been subject to the provisions of this Act during any period of service or part thereof ending not later than September 30, 1954, with respect to which there shall have been deposited the amounts specified in section 9.

5 USC 693.

5 USC 736b.

"No credit shall be allowed for any service subsequent to the date of the separation on which title to annuity is based. Any amounts deducted from salary for retirement purposes during such service shall upon separation be refunded to such officer or employee without interest, and shall be subject to redeposit as provided in section 12 (b) (2) of this Act. Any such amount not so refunded to the officer or employee before his death shall be paid in the order of precedence prescribed in section 12 (e)."

5 USC 724.

Approved August 31, 1954.

Public Law 731

CHAPTER 1149

AN ACT

August 31, 1954
[S. 3628]

To amend Public Law 815, Eighty-first Congress, in order to extend for two additional years the program of assistance for school construction under title III of that Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 301 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, is amended to read as follows: "There are hereby authorized to be appropriated for the fiscal year ending June 30, 1954, and for the three succeeding fiscal years, such sums as the Congress may determine to be necessary for such purpose."

School construction.
Federally-affected areas.
67 Stat. 522.
20 USC 291.

SEC. 2. The first sentence of section 303 of such Act is amended by striking out "1954" and inserting in lieu thereof "1956".

20 USC 293.

SEC. 3. The first sentence of section 304 of such Act is amended by striking out "regular school year 1953-1954" and inserting in lieu thereof "regular school year 1955-1956".

20 USC 294.

SEC. 4. Section 305 of such Act is amended (1) by striking out "regular school year 1953-1954" wherever appearing in such section and inserting in lieu thereof "regular school year 1955-1956"; and (2) by striking out "regular school year 1951-1952" wherever appearing in such section and inserting in lieu thereof "regular school year 1953-1954".

20 USC 295.

SEC. 5. Section 305 (d) of such Act is amended by striking out "school years 1951-1952 and 1953-1954" and inserting in lieu thereof "school years 1953-1954 and 1955-1956".

20 USC 300.

SEC. 6. The first sentence of section 310 of such Act is amended by striking out "1954" and inserting in lieu thereof "1956".

67 Stat. 528.
20 USC 279.

SEC. 7. Section 209 (e) of such Act is amended by striking out "1955" and inserting in lieu thereof "1957".

SEC. 8. The amendments made by this Act shall not apply with respect to any application filed, or any funds appropriated, before the enactment of this Act.

Approved August 31, 1954.

Public Law 732

CHAPTER 1150

AN ACT

August 31, 1954
[S. 3629]

To postpone the effective date of the 3 per centum "absorption" requirement in Public Law 874, Eighty-first Congress, for one year.

Schools.
Federally-af-
fected areas.
67 Stat. 531.
20 USC 238.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 3 (c) (1) of Public Law 874, 81st Congress, as amended, the amounts payable to a local educational agency for the fiscal year ending June 30, 1955, with respect to the number of children determined under subsection (a) or (b) of section 3 thereof shall be computed on the same basis as was used during the fiscal year ending June 30, 1954, under subsections (a), (b), (c), and (d) of section 3 of said law.

Approved August 31, 1954.

Public Law 733

CHAPTER 1151

AN ACT

August 31, 1954
[S. 3712]

To authorize the Commander, Air University, to confer appropriate degrees upon persons who meet all requirements for those degrees in the Resident College of the United States Air Force Institute of Technology.

Air University.
Degrees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That under regulations prescribed by the Secretary of the Air Force, the Commander, Air University, may, upon accreditation of the United States Air Force Institute of Technology by a nationally recognized accreditation association or authority, confer appropriate degrees upon persons who meet all requirements for those degrees in the Resident College of the United States Air Force Institute of Technology.

Approved August 31, 1954.

Public Law 734

CHAPTER 1152

AN ACT

August 31, 1954
[S. 3844]

To provide for a reciprocal and more effective remedy for certain claims arising out of the acts of military personnel and to authorize the pro rata sharing of the cost of such claims with foreign nations, and for other purposes.

Foreign claims.
Pro rata sharing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to the terms of those international agreements to which the United States is now or may hereafter be a party which provide that certain claims against the United States arising out of acts or omissions in the performance of official duty in a foreign country of civilian employees of the Armed Forces, or military personnel, of the United States may

be adjudicated by such foreign government in accordance with the laws and regulations of such foreign government, the Secretary of Defense is hereby authorized—

(a) to reimburse such foreign government for the agreed pro rata share of such sums as may be expended by such foreign government for the payment of such claims; or

(b) to pay to such foreign government an agreed pro rata share of claims arising out of damage to the property of such foreign government,

including costs of settlement or arbitration: *Provided*, That no claim arising out of any action by an enemy of the United States or resulting directly or indirectly from any act by the Armed Forces of the United States, or any member thereof, engaged in combat shall be considered or paid under this Act.

Restriction.

SEC. 2. Whenever the terms of an international agreement to which the United States is now or may hereafter be a party provide that certain claims against a foreign government arising out of acts or omissions in the performance of official duty within the territory of the United States of civilian employees of the Armed Forces, or military personnel, of such foreign government, be adjudicated by the United States in accordance with the laws and regulations of the United States subject to an agreed pro rata reimbursement, such claims may be prosecuted against the United States or settled by the United States under then existing laws and regulations as if such acts or omissions were performed by civilian employees of the Armed Forces or military personnel of the United States in the performance of official duty.

SEC. 3. Whenever a dispute arises in the consideration, adjustment, settlement, compromise, or adjudication of a claim asserted under section 2 of this Act as to whether or not an act or omission of a civilian employee or military personnel of a foreign country was in the performance of official duty, or as to whether or not the use of any vehicle of the armed forces of such party was authorized, such disputed question or questions shall be decided in accordance with the terms of the international agreement with such foreign country, and such decision shall be final and conclusive. The Secretary of Defense is authorized to pay the United States portion of costs arising in connection with the securing of such a decision as provided by such international agreement.

SEC. 4. Any pro rata reimbursement or payment by the United States with respect to a settlement, award, or compromise made pursuant to this Act shall be made by the Secretary of Defense out of appropriations for that purpose, which appropriations are hereby authorized, and such appropriations may be used for the purchase of foreign currencies necessary for any such reimbursement.

Approved August 31, 1954.

Public Law 735

CHAPTER 1153

AN ACT

Authorizing the payment of salary to any individual given a recess appointment as Comptroller General of the United States before the beginning of the Eighty-fourth Congress.

August 31, 1954
[S. 3868]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 1761, as amended, of the Revised Statutes, any individual appointed by the President to the office of Comptroller General of the

Comptroller
General.
Salary of recess
appointee.
5 USC 56.

United States before the beginning of the first regular session of the Eighty-fourth Congress may be paid the salary for such office as provided by law.

Termination.

SEC. 2. This Act shall cease to be in effect upon the forty-first day following the beginning of the first regular session of the Eighty-fourth Congress unless prior to such day the President shall have submitted to the Senate a nomination to fill such office.

Approved August 31, 1954.

Public Law 736

CHAPTER 1154

JOINT RESOLUTION

August 31, 1954
[H. J. Res. 565]

To amend the joint resolution providing for the membership of the United States in the Pan American Institute of Geography and History and authorize appropriations therefor.

Pan American
Institute of Geog-
raphy and History.
49 Stat. 512.
22 USC 273.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Resolution 42, Seventy-fourth Congress, approved August 2, 1935, is amended to read as follows: "That in order to meet the obligations of the United States as a member of the Pan American Institute of Geography and History, there are hereby authorized to be appropriated to the Department of State—

"(a) the sum of \$98,775 for payment by the United States of its assessed annual contributions for the period beginning July 1, 1951, and extending through the fiscal year expiring June 30, 1954; and

"(b) such sums, not to exceed \$50,000 annually, as may be required thereafter for the payment by the United States of its share of the expenses of the Institute, as apportioned in accordance with the statutes of the Institute."

Approved August 31, 1954.

Public Law 737

CHAPTER 1155

AN ACT

August 31, 1954
[H. R. 179]

To amend section 7 of the Administrative Expenses Act of 1946, as amended.

Overseas Federal
employees.
Travel expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Administrative Expenses Act of 1946 (60 Stat. 806; 5 U. S. C. 73b-3), as amended, is further amended by changing the period at the end of the first sentence to a colon and adding the following: "*Provided further,* That expenses of round trip travel of employee and transportation of immediate family but excluding household effects, from their posts of duty outside the continental United States to the places of actual residence at time of appointment or transfer to such overseas posts of duty, shall be allowed in the case of persons who have satisfactorily completed an agreed period of service overseas and are returning to their actual place of residence for the purpose of taking leave prior to serving another tour of duty at the same or some other overseas post, under a new written agreement entered into before departing from the overseas post: *Provided further,* That expenses of transportation of the immediate family and shipment of household effects of any employee from the post of duty of such employee outside continental United States to place of actual residence shall be allowed, not in excess of one time, prior to the return of such employee to the

United States, including its Territories and possessions, when the employee has acquired eligibility for such transportation or when the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health, death of any member of the immediate family, or obligation imposed by authority or circumstances over which the individual has no control: *And provided further*, That when an employee returns his immediate family and household goods to the United States, including its Territories and possessions, at his own expense prior to his return and for other than reasons of public interest, the Government shall reimburse him for proper transportation expenses at such time as he acquires eligibility therefor."

Approved August 31, 1954.

Public Law 738

CHAPTER 1156

AN ACT

August 31, 1954
[H. R. 270]

To provide for the control and extinguishment of outcrop and underground fires in coal formations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby recognized that outcrop and underground fires in coal formations involve serious wastage of the fuel resources of the Nation, and constitute a menace to the health and safety of the public and to surface property. It is therefore declared to be the policy of the Congress to provide for the control and extinguishment of outcrop and underground coal fires and thereby to prevent injuries and loss of life, protect public health, conserve natural resources, and to preserve public and private surface property.

Fires in coal
mines, etc.
Control.

SEC. 2. As used in this Act:

Definitions.

"Coal" means any of the recognized classifications and ranks of coal, including anthracite, bituminous, semibituminous, subbituminous, and lignite.

"Outcrop" means any place where a formation is visible or substantially exposed at the surface.

"Formation" means any vein, seam, stratum, bed, or other naturally occurring deposit.

"Coal mine" means any underground, surface, or strip mine from which coal is obtained.

"State" means any State or Territory of the United States, or any political subdivision thereof.

"Person" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

SEC. 3. The Secretary of the Interior, in order to effectuate the policy declared in section 1 of this Act, is hereby authorized—

(a) to conduct surveys, investigations, and research relating to the causes and extent of outcrop and underground fires in coal formations and the methods for control or extinguishment of such fires; to publish the results of any such surveys, investigations, and researches; and to disseminate information concerning such method; and

Surveys, etc.

(b) to plan and execute projects for control or extinguishment of fires in coal formations.

Projects.

SEC. 4. The acts authorized in section 3 of this Act may be performed—

(a) on lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) on any other lands, upon obtaining proper consent or the necessary rights or interests in such lands: *Provided, however,* That expenditure of Federal funds for this purpose in any privately owned operating coal mine shall be limited to the acts authorized in section 3 (a).

Requirements.

SEC. 5. (a) As a condition to the extending of any benefits under section 3 (b) of this Act to any lands not owned or controlled by the United States or any of its agencies, except where such action is necessary for the protection of lands or other property owned or controlled by the United States or any of its agencies, the Secretary of the Interior may require—

(1) the enactment of State or local laws providing for the control and extinguishment of outcrop and underground fires in coal formations on State or privately owned land and the cooperation of State or local authorities in the work; and

(2) agreements or covenants as to the performance and maintenance of the work required to control or extinguish such fires.

(b) The Secretary of the Interior shall require in connection with any project for the control or extinguishment of fires in any inactive coal mine on any lands not owned or controlled by the United States or any of its agencies, except where such project is necessary for the protection of lands or other property owned or controlled by the United States or any of its agencies, (1) that the State or person owning or controlling such lands contribute on a matching basis 50 per centum of the cost of planning and executing such project, or (2), if such State or person furnishes evidence satisfactory to the Secretary of the Interior of an inability to make the matching contribution herein provided for, that such State or person pay to the Government, within such period of time as the Secretary of the Interior shall determine, an amount equal to 50 per centum of the cost of planning and executing such project. At least 75 per centum of the funds expended in any fiscal year, from any appropriation available to carry out the purposes of this Act, in connection with projects for the control or extinguishment of fires in inactive coal mines where such action is not necessary for the protection of lands or other property owned or controlled by the United States or any of its agencies, shall be expended in conformity with clause (1) of this subsection.

SEC. 6. In carrying out the provisions of section 3 of this Act the Secretary of the Interior is authorized—

Personnel.
63 Stat. 954.
5 USC 1071 note.

(a) to secure, by contract or otherwise, and without regard to the civil service laws and the Classification Act of 1949, for work of a temporary, intermittent, or emergency character, such personal services as may be deemed necessary for the efficient and economical performance of the work;

Animals, vehicles, etc.

(b) to hire, with or without personal services, work animals and animal-drawn and motor-propelled vehicles and equipment, at rates to be approved by the Secretary of the Interior and without regard to the provisions of section 3709, Revised Statutes (41 U. S. C., sec. 5);

Contracts.

(c) to procure all or any part of the surveys, investigations, and control or extinguishment work by contracts with engineers, contractors, or firms or corporations thereof;

Acquisition of lands, etc.

(d) to acquire lands or rights and interests therein, including improvements, by purchase, lease, gift, exchange, condemnation, or otherwise, whenever necessary for the purposes of this Act;

(e) to repair, restore, or replace private property damaged or destroyed as a result of, or incident to, operations under this Act; and

Property restoration.

(f) to receive and accept money and property, real or personal, or interests therein, as a gift, bequest, or contribution, for use in any of the activities authorized under this Act; and to conduct any of the activities authorized under this Act in cooperation with any person or agency, Federal, State, or private. Any money so received shall be deposited in the Treasury of the United States in an available trust fund to be disbursed by the Secretary of the Treasury upon certification by the Secretary of the Interior in accordance with the terms of the grant, and shall remain available until expended for the purposes for which received and accepted.

Contributions.

Agency cooperation.

SEC. 7. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of this Act.

Rules and regulations.

SEC. 8. There are hereby authorized to be appropriated such sums, not to exceed \$500,000 annually, as may be necessary to carry out the provisions and purposes of this Act.

Appropriation.

Approved August 31, 1954.

Public Law 739

CHAPTER 1157

AN ACT

To provide for the conveyance of certain land and improvements to the England Special School District of the State of Arkansas.

August 31, 1954
[H. R. 4017]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to convey by quitclaim deed, without monetary consideration therefor, to the England Special School District of the State of Arkansas, all the right, title, and interest of the United States in and to a parcel of land, and all improvements thereon, in the southwest quarter of section 35, township 1 north, range 10 west, in Lonoke County, Arkansas, such conveyance to be made only upon the agreement of the England Special School District that all proceeds from the sale of the said property shall be used exclusively to acquire permanent school fixtures for the England Special School District, said property being more particularly described as follows:

England Special
School District,
Ark.
Conveyance.

Commencing at the northeast corner of section 2, township 1 south, range 10 west, thence north eighty-nine degrees eight minutes west for a distance of two thousand and thirty feet to the west right-of-way line of project road; thence along said project road right-of-way line north one degree fifty-eight minutes east, for a distance of one thousand one hundred and seventy-two feet, more or less, to an iron pipe for the point of beginning; thence north eighty-eight degrees two minutes west for a distance of three hundred and forty feet to an iron pipe, thence north one degree fifty-eight minutes east for a distance of seven hundred and eight feet to an iron pipe; thence north twenty-seven degrees thirty-two minutes east for a distance of three hundred and forty-seven feet to an iron pipe; thence south forty-four degrees thirteen minutes east for a distance of two hundred and sixty-three feet to an iron pipe; thence south one degree fifty-eight minutes west for a distance of eight hundred thirty-nine and five-tenths feet, more or less, to the point of beginning, containing seven and three one-hundredths acres more or less.

Approved August 31, 1954.

Public Law 740

CHAPTER 1158

August 31, 1954
[H. R. 9729]

AN ACT

To revise, codify, and enact into law, title 13 of the United States Code, entitled "Census".

Title 13, U. S.
Code,
Codification and
enactment into law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 13 of the United States Code, entitled "Census", is revised, codified, and enacted into law, and may be cited as "Title 13, United States Code, section—", as follows:

TITLE 13—CENSUS

Chapter	Sec.
1. ADMINISTRATION.....	1
3. COLLECTION AND PUBLICATION OF STATISTICS.....	41
5. CENSUSES.....	131
7. OFFENSES AND PENALTIES.....	211

CHAPTER 1—ADMINISTRATION**SUBCHAPTER I—GENERAL PROVISIONS**

- Sec.
1. Definitions.
 2. Bureau of the Census.
 3. Seal.
 4. Functions of Secretary; delegation.
 5. Schedules; number, form, and scope of inquiries.
 6. Requests to other departments and offices for information.
 7. Printing; requisitions upon Public Printer; publication of bulletins and reports.
 8. Certified copies of certain returns; other data; restriction on use; disposition of fees received.
 9. Information as confidential; exception.
 10. Mail matter.
 11. Authorization of appropriations.

SUBCHAPTER II—OFFICERS AND EMPLOYEES

21. Director of the Census; duties.
22. Qualifications of permanent personnel.
23. Additional officers and employees.
24. Special agents, supervisors, supervisors' clerks, enumerators, and interpreters; compensation; details.
25. Duties of supervisors, enumerators, and other employees.

SUBCHAPTER I—GENERAL PROVISIONS**§ 1. Definitions**

As used in this title, unless the context requires another meaning, or unless it is otherwise provided—

"Bureau" means the Bureau of the Census;

"Secretary" means the Secretary of Commerce.

§ 2. Bureau of the Census

The Bureau is continued as an agency within, and under the jurisdiction of, the Department of Commerce.

§ 3. Seal

The Bureau shall have a seal containing such device as has been selected heretofore, or as the Secretary may select hereafter. A description of such seal with an impression thereof shall be filed in the office of the Secretary of State. The seal shall remain in the custody of the Secretary or such officer or employee of the Bureau as he designates, and shall be affixed to all certificates and attestations that may be required from the Bureau.

§ 4. Functions of Secretary; delegation

The Secretary shall perform the functions and duties imposed upon him by this title or he may delegate any of them to such officers, employees, bureaus or agencies of the Department of Commerce as he designates.

§ 5. Schedules; number, form, and scope of inquiries

The Secretary shall prepare schedules, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and censuses provided for in this title.

§ 6. Requests to other departments and offices for information

The Secretary, whenever he deems it advisable, may call upon any other department or office of the Government for information pertinent to the work provided for in this title.

§ 7. Printing; requisitions upon Public Printer; publication of bulletins and reports

The Secretary may make requisition upon the Public Printer for miscellaneous printing necessary to carry out the provisions of this title. He may further have printed by the Public Printer, in such editions as he deems necessary, preliminary and other census bulletins, and final reports of the results of the several investigations authorized by this title, and may publish and distribute such bulletins and reports.

§ 8. Certified copies of certain returns; other data; restriction on use; disposition of fees received

(a) The Secretary may, upon a written request, and in his discretion, furnish to Governors of States and Territories, courts of record, and individuals, data for genealogical and other proper purposes, from the population, agriculture, and housing schedules prepared under the authority of subchapter II of chapter 5, upon the payment of the actual, or estimated cost of searching the records and \$1 for supplying a certificate.

(b) The Secretary may furnish transcripts or copies of tables and other census records and make special statistical compilations and surveys for State or local officials, private concerns, or individuals upon the payment of the actual, or estimated cost of such work.

(c) In no case shall information furnished under the authority of this section be used to the detriment of the persons to whom such information relates.

(d) All moneys received by the Department of Commerce or any bureau or agency thereof in payment for furnishing transcripts of census records or making special statistical compilations and surveys shall be deposited to the credit of an appropriation for collecting statistics.

§ 9. Information as confidential; exception

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, may, except as provided in section 8 of this title—

(1) use the information furnished under the provisions of this title for any purpose other than the statistical purposes for which it is supplied; or

(2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or

(3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports.

(b) The provisions of subsection (a) of this section relating to the confidential treatment of data for particular individuals and establishments, shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title, nor to interim current data provided for by subchapter IV of chapter 5 of this title as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or customarily provided in, public records.

§ 10. Mail matter

The Post Office Department shall transmit free of postage, and by registered mail if necessary, and so marked, all mail matter, of whatever class or weight, relating to any collection of statistics, survey, or census provided for by this title and addressed to the Department of Commerce or to any bureau or agency thereof authorized by the Secretary to make such collection or survey or to take such census, or addressed to any official thereof, and endorsed "Official business", followed by the name of such Department, bureau, or agency, as the case may be.

§ 11. Authorization of appropriations

There is authorized to be appropriated, out of the Treasury of the United States, such sums as may be necessary to carry out all provisions of this title.

SUBCHAPTER II—OFFICERS AND EMPLOYEES

§ 21. Director of the Census; duties

The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate. The Director shall perform such duties as may be imposed upon him by law, regulations, or orders of the Secretary.

§ 22. Qualifications of permanent personnel

All permanent officers and employees of the Bureau shall be citizens of the United States, and shall be appointed and compensated under the Civil Service laws and the Classification Act of 1949, as amended or supplemented.

63 Stat. 954.
5 USC 1071 note.

§ 23. Additional officers and employees

(a) The Secretary may appoint, without regard to the Classification Act of 1949, at rates of compensation to be fixed by him, as many temporary employees in the Departmental Service as may be necessary to meet the requirements of the work provided for in this title. Census employees who are transferred to any such temporary positions shall not lose their permanent Civil Service status by reason of the transfer. The Secretary shall make all such temporary appointments in conformity with the Civil Service laws and rules.

(b) In addition to employees of the Department of Commerce, employees of other departments and independent offices of the Government may, with the consent of the head of the respective department or office, be employed and compensated for field work in connection with the work provided for in this title.

§ 24. Special agents, supervisors, supervisors' clerks, enumerators, and interpreters; compensation; details

(a) The Secretary may appoint special agents, supervisors, supervisors' clerks, enumerators, and interpreters on a temporary basis to carry out the provisions of this title. Such appointments shall be made without regard to the Civil Service laws or the Classification Act of 1949. The enlisted men and officers of the armed services may be appointed and compensated for the enumeration of personnel of the armed forces.

63 Stat. 954.
5 USC 1071 note.

(b) The special agents, supervisors, supervisors' clerks, enumerators, and interpreters appointed under this section shall receive compensation at rates fixed by the Secretary; and the compensation on a piece-price basis may be fixed without limitation as to the amount earned per diem.

(c) The Secretary may authorize the expenditure of necessary sums for travel expenses for attendance at training courses held by the Department of Commerce with respect to any of the work provided for in this title.

§ 25. Duties of supervisors, enumerators, and other employees

(a) Each supervisor shall perform the duties imposed upon him by the Secretary in the enforcement of chapter 5 of this title in accordance with the Secretary's orders and instructions.

(b) Each enumerator or other employee detailed to serve as enumerator shall be charged with the collection in his subdivision of the facts and statistics called for on such schedules as the Secretary determines shall be used by him in connection with any census or survey provided for by chapter 5 of this title.

(c) Each enumerator shall visit personally each dwelling house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most competent and trustworthy, or of such individual living out of a family, shall obtain every item of information and all particulars required for any census or survey provided for in chapter 5 of this title. In case no person is found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries, the census employee may obtain the required information as nearly as may be practicable from the families or persons living nearest to such place of abode who may be competent to answer such inquiries.

**CHAPTER 3—COLLECTION AND PUBLICATION
OF STATISTICS****SUBCHAPTER I—COTTON**

Sec.

- 41. Collection and publication.
- 42. Contents of reports; number of bales of linter; distribution; publication by Department of Agriculture.
- 43. Records and reports of cotton ginner.
- 44. Foreign cotton statistics.
- 45. Simultaneous publication of cotton reports.

**SUBCHAPTER II—OILSEEDS, NUTS, AND KERNELS;
FATS, OILS, AND GREASES**

- 61. Collection and publication.
- 62. Additional statistics.
- 63. Duplicate collection of statistics prohibited; access to available statistics.

SUBCHAPTER III—MISCELLANEOUS

- 101. Defective, dependent, and delinquent classes; crime.
- 102. Religion.
- 103. Designation of reports.

SUBCHAPTER I—COTTON**§ 41. Collection and publication**

The Secretary shall collect and publish statistics concerning the—

- (1) amount of cotton ginned;
- (2) quantity of raw cotton consumed in manufacturing establishments of every character;
- (3) quantity of baled cotton on hand;
- (4) number of active consuming cotton spindles;
- (5) number of active spindle hours; and
- (6) quantity of cotton imported and exported, with the country of origin and destination.

§ 42. Contents of reports; number of bales of linter; distribution; publication by Department of Agriculture

(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, December 1, December 13, January 16, and March 1; but the Secretary may limit the canvasses of August 1 and August 16 to those sections of the cotton-growing States in which cotton has been ginned.

(b) The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, the number of active consuming cotton spindles, the number of active spindle-hours, and the statistics of cotton imported and exported shall relate to each month, and shall be published as soon as possible after the close of the month.

(c) In collecting and publishing statistics of cotton on hand in warehouses and other storage establishments, and of cotton known as the "carry-over" in the United States, the Secretary shall ascertain and publish as a separate item in the report of cotton statistics the number of bales of linters as distinguished from the number of bales of cotton.

(d) The Secretary shall furnish to the Department of Agriculture, immediately prior to the publication of each report of that Department regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the Department of Agriculture shall publish the same in connection with each of its reports concerning cotton.

§ 43. Records and reports of cotton ginner

Every cotton ginner shall keep a record of the county or parish in which each bale of cotton ginned by him is grown and report at the March canvass of each year a segregation of the total number of bales ginned by counties or parishes in which grown.

§ 44. Foreign cotton statistics

In addition to the information regarding cotton in the United States provided for in this subchapter, the Secretary shall compile, by correspondence or the use of published reports and documents, any available information concerning the production, consumption, and stocks of cotton in foreign countries, and the number of cotton-consuming spindles in such countries. Each report published by the Department of Commerce or agency or bureau thereof regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section, and the Secretary shall

furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton in the same manner as in the case of statistics relating to the United States.

§ 45. Simultaneous publication of cotton reports

The reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 11 o'clock antemeridian on the eighth day following that on which the respective reports relate. When such date of release falls on Sunday, a legal holiday, or other day which pursuant to statute or Executive order is a nonworkday in the Department of Commerce at Washington generally, the reports shall be issued at 11 o'clock antemeridian of the next succeeding workday.

SUBCHAPTER II—OILSEEDS, NUTS, AND KERNELS; FATS, OILS, AND GREASES

§ 61. Collection and publication

(a) The Secretary shall collect, collate, and publish monthly statistics concerning—

(1) the quantities of—

(A) cottonseed, soybeans, peanuts, flaxseed, corn germs, copra, sesame seed, babassu nuts and kernels, and other oilseeds, nuts, and kernels received, crushed, and on hand at oil mills;

(B) crude and refined oils, cakes, and meals, and other primary products, by type or kind, of the seeds, nuts, and kernels referred to in clause (A) of this paragraph, manufactured, shipped out, and on hand at oil mills and processing establishments;

(C) crude and refined vegetable oils, by type or kind, used by class of product and held by manufacturers of vegetable shortening, margarine, soap, and other principal products using large quantities of vegetable oils;

(D) crude and refined vegetable oils, by type or kind, held in warehouses and in transit to consuming establishments; and

(2) the quantities, by types or kinds, of—

(A) animal fats and oils and greases produced;

(B) animal fats and oils and greases shipped and held by producers;

(C) animal fats and oils and greases, fish and marine mammal oils used by class of product and held by manufacturers of shortening, margarine, soap, and other principal products which require the use of large quantities of animal fats and oils and greases, fish and marine mammal oils;

(D) animal fats and oils and greases, fish and marine mammal oils held in warehouses, cold storage, and in transit to consuming establishments.

(b) The Secretary shall not be required to collect, more frequently than he deems necessary to provide reliable statistical reports, information from any person who produces, holds, or consumes fats and oils in inconsequential quantities.

§ 62. Additional statistics

This subchapter does not restrict or limit the Secretary in the collection and publication, under the general authority of the Secretary, of such statistics on fats and oils or products thereof not specifically required in this subchapter, as he deems to be in the public interest.

§ 63. Duplicate collection of statistics prohibited; access to available statistics

Statistics required under Federal law, as of the effective date of this title, to be collected by any other Federal department or agency in a manner comparable both as to form and period of time to the collection of statistics provided for by this subchapter shall not be collected by the Secretary under the authority of this subchapter. Immediately upon his request, the Secretary shall have access to any such statistics and shall include them in the publication required by this subchapter.

SUBCHAPTER III—MISCELLANEOUS**§ 101. Defective, dependent, and delinquent classes; crime**

- (a) The Secretary may collect decennially statistics relating—
 - (1) to the defective, dependent, and delinquent classes; and
 - (2) to crime, including judicial statistics pertaining thereto.
- (b) The statistics authorized by subsection (a) of this section shall include information upon the following questions, namely: age, sex, color, nativity, parentage, literacy by race, color, nativity, and parentage, and such other questions relating to such subjects as the Secretary deems proper.
- (c) In addition to the decennial collections authorized by subsections (a) and (b) of this section, the Secretary may compile and publish annually statistics relating to crime and to the defective, dependent, and delinquent classes.

§ 102. Religion

The Secretary may collect decennially statistics relating to religious bodies.

§ 103. Designation of reports

All reports covering any of the statistics collected under the provisions of this subchapter shall be designated as "Special Reports" followed by the name of whatever bureau or agency of the Department of Commerce is designated by the Secretary to collect and compile such statistics.

CHAPTER 5—CENSUSES**SUBCHAPTER I—MANUFACTURERS, MINERAL INDUSTRIES, AND OTHER BUSINESSES**

Sec.

- 131. Collection and publication; five-year periods.
- 132. Controlling law; effect on other agencies.

SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION, DRAINAGE, AND UNEMPLOYMENT

- 141. Population, agriculture, irrigation, drainage, and unemployment; territory included.
- 142. Housing; scope of inquiries; territory included; supplementary statistics.
- 143. Decennial census period; completion of reports upon inquiries.
- 144. Restriction on inquiries.
- 145. Commencement of inquiries as to population, agriculture, and housing; time for completion.
- 146. Mid-decade censuses of agriculture; exclusion of certain areas; preliminary statistics.

SUBCHAPTER III—GOVERNMENTS

- 161. Quinquennial censuses; inclusion of certain data.
- 162. Acquisition of reports and material from governmental units, private persons, and agencies.
- 163. Authority of other agencies.

SUBCHAPTER IV—INTERIM CURRENT DATA

- 181. Surveys.

SUBCHAPTER I—MANUFACTURES, MINERAL INDUSTRIES, AND OTHER BUSINESSES

§ 131. Collection and publication; five-year periods

The Secretary shall take, compile, and publish censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1954 and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof: *Provided*, That the censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades and service establishments, directed to be taken in the year 1954 relating to the year 1953, shall be taken instead in the year 1955 relating to year 1954. The censuses provided for in this section shall include the United States and its Territories and such possessions as the Secretary may determine.

§ 132. Controlling law; effect on other agencies

To the extent that the provisions of this subchapter or subchapter IV of this chapter conflict with any other provision of this title or other law, pertaining to the Secretary or the Department of Commerce, the provisions of this title shall control; but nothing in this title shall be deemed to revoke or impair the authority of any other Federal agency with respect to the collection or release of information.

SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION, DRAINAGE, AND UNEMPLOYMENT

§ 141. Population, agriculture, irrigation, drainage, and unemployment; territory included

The Secretary shall, in the year 1960 and every ten years thereafter, take a census of population, agriculture, irrigation, drainage, and

unemployment in each State, the District of Columbia, Alaska, Hawaii, and Puerto Rico. The respective governors of Guam, Samoa, the Virgin Islands, and the Canal Zone shall, in the same year, take censuses of such islands and reservation in accordance with plans prescribed or approved by the Secretary.

§ 142. Housing; scope of inquiries; territory included; supplementary statistics

The Secretary shall take a census of housing in each State, the District of Columbia, Hawaii, Puerto Rico, the Virgin Islands, and Alaska, in the year 1960 and every ten years thereafter in conjunction with, at the same time, and as a part of the population inquiry of the decennial census provided for in section 141 of this title in order to provide information concerning the number, characteristics (including utilities and equipment), and geographical distribution of dwelling units in the United States. The Secretary may collect such supplementary statistics (either in advance of or after the taking of such census) as are necessary to the completion of such census.

§ 143. Decennial census period; completion of reports upon inquiries

(a) The period of three years beginning the 1st day of January in the year 1960 and every tenth year thereafter shall be known as the decennial census period, and, except as provided in subsection (b) of this section, the reports upon the inquiries provided for in sections 141 and 142 of this title shall be completed within such period.

(b) The tabulation of total population by States as required for the apportionment of Representatives shall be completed within eight months from the beginning of the enumeration and reported by the Secretary to the President of the United States.

§ 144. Restriction on inquiries

The censuses provided for by sections 141 and 142 of this title shall be restricted to inquiries relating to population, to agriculture, to irrigation, to drainage, to unemployment, and to housing.

§ 145. Commencement of inquiries as to population, agriculture, and housing; time for completion

(a) The census of the population and of agriculture and of housing required by sections 141 and 142 of this title shall be taken as of the 1st day of April, and each enumerator shall commence the enumeration of his district on the day following thereafter unless the Secretary changes the date of commencement of the enumeration in such district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event, except as provided in subsection (b) of this section, each enumerator shall prepare the returns hereinbefore required to be made and forward the same to the supervisor of his district within thirty days from the commencement of the enumeration of his district.

(b) In any city having two thousand five hundred inhabitants or more under the preceding census the enumeration of the population shall be completed within two weeks from the commencement thereof.

§ 146. Mid-decade censuses of agriculture; exclusion of certain areas; preliminary statistics

(a) The Secretary shall take, beginning in the month of October, 1954, and in the same month of every tenth year thereafter, a census

of agriculture. The census provided for by this section shall include each State, but, except as provided in subsection (b) of this section, shall not include the District of Columbia, Alaska, Hawaii, Puerto Rico, or such other areas or territory over which the United States exercises sovereignty or jurisdiction.

(b) As to the areas excluded from the census provided for in subsection (a) of this section, the data available from various Government sources shall be included as an appendix to the report of such census.

(c) The Secretary may collect such preliminary or supplementary statistics, either in advance of or after the taking of each census provided for in subsection (a) of this section, as are necessary to the initiation, taking, or completion thereof.

SUBCHAPTER III—GOVERNMENTS

§ 161. Quinquennial censuses; inclusion of certain data

The Secretary shall take, compile, and publish for the year 1957 and for every fifth year thereafter a census of governments. Each such census shall include, but shall not be limited to, data on taxes and tax valuations, governmental receipts, expenditures, indebtedness, and employees of States, counties, cities, and other governmental units in the United States and in such of its Territories and possessions as may be determined by the Secretary.

§ 162. Acquisition of reports and material from governmental units, private persons, and agencies

The Secretary may acquire by purchase or otherwise from States, counties, cities, or other units of government, or their instrumentalities, or from private persons and agencies such copies of records, reports and other material as may be required for the efficient and economical conduct of the census of governments provided for in this subchapter.

§ 163. Authority of other agencies

This subchapter does not revoke or impair the authority of any other Federal agency with respect to the collection or release of information.

SUBCHAPTER IV—INTERIM CURRENT DATA

§ 181. Surveys

The Secretary may make surveys deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this title.

CHAPTER 7—OFFENSES AND PENALTIES

SUBCHAPTER I—OFFICERS AND EMPLOYEES

Sec.

- 211. Receiving or securing compensation for appointment of employees.
- 212. Refusal or neglect of employees to perform duties.
- 213. False statements, certificates, and information.
- 214. Wrongful disclosure of information.

SUBCHAPTER II—OTHER PERSONS

- 221. Refusal or neglect to answer questions; false answers.
- 222. Giving suggestions or information with intent to cause inaccurate enumeration of population.
- 223. Refusal, by owners, proprietors, etc., to assist census employees.
- 224. Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers.
- 225. Applicability of penal provisions in certain cases.

SUBCHAPTER III—PROCEDURE

- 241. Evidence.

SUBCHAPTER I—OFFICERS AND EMPLOYEES

§ 211. *Receiving or securing compensation for appointment of employees*

Whoever—

(1) receives or secures to himself any fee, reward, or compensation as a consideration for the appointment of any person as supervisor, enumerator, clerk, or other officer or employee of the Department of Commerce or bureau or agency thereof, referred to in subchapter II of chapter 1 of this title; or

(2) in any way receives or secures to himself any part of the compensation paid to any person so appointed—

shall be fined not more than \$3,000 or imprisoned not more than five years, or both.

§ 212. *Refusal or neglect of employees to perform duties*

Whoever, being an employee referred to in subchapter II of chapter 1 of this title, and having taken and subscribed the oath of office, neglects or refuses, without justifiable cause, to perform the duties enjoined on such employee by this title, shall be fined not more than \$500.

§ 213. *False statements, certificates, and information*

(a) Whoever, being an officer or employee referred to in subchapter II of chapter 1 of this title, willfully and knowingly swears or affirms falsely as to the truth of any statement required to be made or subscribed by him under oath by or under authority of this title, shall be guilty of perjury, and shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(b) Whoever, being an officer or employee referred to in subchapter II of chapter 1 of this title—

(1) willfully and knowingly makes a false certificate or fictitious return; or

(2) knowingly or willfully furnishes or causes to be furnished, or, having been such an officer or employee, knowingly or willfully furnished or caused to be furnished, directly or indirectly, to the Secretary or to any other officer or employee of the Department of Commerce or bureau or agency thereof, any false statement or false information with reference to any inquiry for which he was authorized and required to collect information provided for in this title—

shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

§ 214. Wrongful disclosure of information

Whoever, being an employee referred to in subchapter II of chapter 1 of this title, having taken and subscribed the oath of office, publishes or communicates, without the written authority of the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, any information coming into his possession by reason of his employment under the provisions of this title, shall be fined not more than \$1,000 or imprisoned not more than two years, or both.

SUBCHAPTER II—OTHER PERSONS**§ 221. Refusal or neglect to answer questions; false answers**

(a) Whoever, being over eighteen years of age, refuses or willfully neglects, when requested by the Secretary, or by any other authorized officer or employee of the Department of Commerce or bureau or agency thereof acting under the instructions of the Secretary or authorized officer, to answer, to the best of his knowledge, any of the questions on any schedule submitted to him in connection with any census or survey provided for by subchapters I, II, and IV of chapter 5 of this title, applying to himself or to the family to which he belongs or is related, or to the farm or farms of which he or his family is the occupant, shall be fined not more than \$100 or imprisoned not more than sixty days, or both.

(b) Whoever, when answering questions described in subsection (a) of this section, and under the conditions or circumstances described in such subsection, willfully gives any answer that is false, shall be fined not more than \$500 or imprisoned not more than one year, or both.

§ 222. Giving suggestions or information with intent to cause inaccurate enumeration of population

Whoever, either directly or indirectly, offers or renders to any officer or employee of the Department of Commerce or bureau or agency thereof engaged in making an enumeration of population under subchapter II or IV of chapter 5 of this title, any suggestion, advice, information or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population to be made, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 223. Refusal, by owners, proprietors, etc., to assist census employees

Whoever, being the owner, proprietor, manager, superintendent, or agent of any hotel, apartment house, boarding or lodging house, tenement, or other building, refuses or willfully neglects, when requested by the Secretary or by any other officer or employee of the Department of Commerce or bureau or agency thereof, acting under the instructions of the Secretary, to furnish the names of the occupants of such premises, or to give free ingress thereto and egress therefrom to any duly accredited representative of such Department or bureau or agency thereof, so as to permit the collection of statistics with respect to any census provided for in subchapters I and II of chapter 5 of this title, or any survey authorized by subchapter IV of such chapter in so far as such survey relates to any of the subjects for which

censuses are provided by such subchapters I and II, including, when relevant to the census or survey being taken or made, the proper and correct enumeration of all persons having their usual place of abode in such premises, shall be fined not more than \$500.

§ 224. Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers

Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, neglects or refuses, when requested by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, whether such request be made by registered mail, by telegraph, by visiting representative, or by one or more of these methods, to answer completely and correctly to the best of his knowledge all questions relating to his company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census or other schedule prepared and submitted to him under the authority of this title, shall be fined not more than \$500 or imprisoned not more than sixty days, or both; and if he willfully gives a false answer to any such question, he shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

§ 225. Applicability of penal provisions in certain cases

(a) In connection with any survey conducted by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof pursuant to subchapter IV of chapter 5 of this title, the provisions of sections 221, 222, 223 and 224 of this title shall apply—

(1) with respect to the answering of questions and furnishing of information, only to such inquiries as are within the scope of the schedules and of the type and character heretofore used in connection with the taking of complete censuses under subchapters I and II of chapter 5 of this title, or in connection with any censuses hereafter taken pursuant to such subchapters;

(2) only after publication of a determination with reasons therefor certified by the Secretary, or by some other authorized officer or employee of the Department of Commerce or bureau or agency thereof with the approval of the Secretary, that the information called for is needed to aid or permit the efficient performance of essential governmental functions or services, or has significant application to the needs of the public, business, or industry and is not publicly available from nongovernmental or other governmental sources;

(3) in the case of any new survey, only after public notice, given by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof at least thirty days in advance of requesting a return, that such survey is under consideration.

(b) The provisions for imprisonment provided by sections 221, 222 and 224 of this title shall not apply in connection with any survey conducted pursuant to subchapter II of chapter 3 of this title, or to subchapter IV of chapter 5 of this title.

(c) The provisions of sections 221, 222, 223, and 224 of this title shall not apply to any censuses or surveys of governments provided for by subchapters III and IV of chapter 5 of this title, nor to other surveys provided for by subchapter IV of such chapter which are taken more frequently than annually.

(d) Where the doctrine, teaching, or discipline of any religious denomination or church prohibits the disclosure of information relative to membership, a refusal, in such circumstances, to furnish such information shall not be an offense under this chapter.

SUBCHAPTER III—PROCEDURE

§ 241. Evidence

When any request for information, made by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, is made by registered mail or telegram as authorized by section 224 of this title, the return receipt therefor or other written receipt thereof shall be prima facie evidence of an official request in any prosecution under such section.

SEC. 2. Title III of the Public Health Service Act (58 Stat. 682), as amended, is amended by inserting, immediately following section 312 thereof (42 U. S. C., sec. 244), and preceding section 313 thereof (42 U. S. C., sec. 245), the following new section:

Public Health
Service.
Birth and death
statistics.

"SEC. 312a. There shall be a collection of the statistics of the births and deaths in registration areas annually, the data for which shall be obtained only from and restricted to such registration records of such States and municipalities as in the discretion of the Secretary of Health, Education, and Welfare possess records affording satisfactory data in necessary detail, the compensation for the transcription of which shall not exceed 4 cents for each birth or death reported; or a minimum compensation of \$25 may be allowed in the discretion of the Secretary of Health, Education, and Welfare, in States or cities registering less than five hundred deaths or five hundred births during the preceding year."

SEC. 3. Whenever reference is made in any other law or in any regulation or order to the Census Office, such reference shall be held and considered to mean the Bureau of the Census referred to in section 2 of Title 13, United States Code, as set out in section 1 of this Act. This section shall not be construed as affecting historical references to the Census Office which could have no present or future application to the Bureau of the Census.

References to
Census Office.

SEC. 4. If any part of Title 13, United States Code, as set in section 1 of this Act, is held invalid, the remainder of such title shall not be affected thereby.

Separability.

SEC. 5. No inference of a legislative construction is to be drawn by reason of the chapter in Title 13, United States Code, as set out in section 1 of this Act, in which any section is placed, nor by reason of the captions or catchlines used in such title.

Legislative construction.

SEC. 6. The provisions of this Act shall take effect on January 1, 1955.

Effective date.

SEC. 7. The sections of the Acts, and the Acts or parts of Acts, enumerated in the following schedule, are hereby repealed. Any rights or liabilities now existing under such statutes or parts thereof, and any proceedings instituted under, or growing out of, any of such statutes or parts thereof, shall not be affected by this repeal.

Repeals.

Date	Statutes at large					U. S. Code	
	Chapter	Title	Section	Volume	Page	Title	Section
1899—Mar. 3.....	419	-----	31	30	1021	-----	-----
1902—Mar. 6.....	139	-----	1	32	51	13	1
Do.....	139	-----	2	32	51	-----	-----
Do.....	139	-----	3	32	51	13	2
Do.....	139	-----	4	32	51	-----	-----
Do.....	139	-----	5	32	51, 52	13	5
Do.....	139	-----	6	32	52	-----	-----
Do.....	139	-----	17	32	52	13	3, 111
Do.....	139	-----	8	32	52	13	101
Do.....	139	-----	9	32	52, 53	13	77, 112
Do.....	139	-----	10	32	53	13	6
Do.....	139	-----	11 (part)	32	53	13	4
Apr. 28.....	594	-----	1 (part)	32	5 138	44	281
1903—Jan. 12.....	90 (part)	-----	-----	32	6 767 (768)	13	8
1916—May 10.....	117	-----	1 (part)	39	7 110	13	7, 69
Aug. 7.....	274	-----	1, 2, 3, 4	39	436, 437	13	81-84
Do.....	274	-----	5	-----	-----	13	85
Do.....	274	-----	6	-----	-----	13	86
1924—Apr. 2.....	80	-----	1, 2, 3, 4, 5, 6	43	31, 32	13	71-76
1927—Feb. 24.....	189	III (part)	-----	44	12 1205	13	41a
1929—Jan. 25.....	102	III (part)	-----	45	13 1119	13	9
June 18.....	28	-----	1, 2	46	21	13	201, 202
Do.....	28	-----	3 (part)	46	21, 22	13	111, 203
Do.....	28	-----	4, 5, 6, 7, 8, 9, 10, 11, 12, 13.	46	22-25	13	204-213
Do.....	28	-----	14	46	25	13, 39	214, 337
Do.....	28	-----	15	46	25	13	215
Do.....	28	-----	16	46	25	13	216
Do.....	28	-----	15, 16, 17, 18, 19	46	25, 26	13	215-219
Do.....	28	-----	21	46	26	13	1-8, 71, 72, 73-77, 101, 112.
1930—June 27.....	639	-----	-----	46	821	13	72a
1931—Mar. 4.....	490	-----	-----	46	1517	13	113
1939—Aug. 11.....	688	-----	1, 2, 3	53	1406	13	106, 106 note, 107
1945—May 21.....	129	III	301 (part)	59	18 188	13	220
1946—July 5.....	541	III	301 (part)	60	19 466	13	220
Do.....	541	III	301 (part)	60	20 466	13	114
1948—June 19.....	502	-----	1, 2, 3	62	478, 479	13	121-123
1949—July 15.....	338	VI	607	63	441	42	1442
1950—Sept. 7.....	910	-----	1, 2, 3	64	784, 785	13	251-253
1954—June 18.....	315	-----	-----	68	258	13	131

¹ As amended by Acts June 7, 1906, ch. 3048, 34 Stat. 218, 219; June 25, 1947, ch. 124, 61 Stat. 163; Sept. 7, 1950, ch. 910, § 4, 64 Stat. 785.

² As amended by Act Apr. 27, 1904, ch. 1626, 33 Stat. 362.

³ All provisions not heretofore repealed by Act July 2, 1909, ch. 2, § 33, 36 Stat. 10.

⁴ All following the words "Public Printer" in such section, and preceding the period at the end thereof.

⁵ The first proviso in the fourth full paragraph on this page.

⁶ On page 768, all following "Representatives" in such Act, and preceding the period at the end thereof.

⁷ The first two provisos in the fourth paragraph on this page.

⁸ As amended by Act July 25, 1947, ch. 331, 61 Stat. 457, 458.

⁹ As amended by Act July 25, 1947, ch. 331, 61 Stat. 457 (458).

¹⁰ As added by Act of July 25, 1947, ch. 331, 61 Stat. 457 (458).

¹¹ As amended (secs. 2, 4, 6) by Acts June 14, 1938, ch. 358, 52 Stat. 678; June 28, 1949, ch. 256, §§ 1, 2, 63 Stat. 278.

¹² The second proviso appearing on this page.

¹³ The last proviso appearing on this page.

¹⁴ All provisions of this section, as amended by Act July 6, 1949, ch. 298, §§ 1, 2, 63 Stat. 406, except the second proviso in the second paragraph thereof, appearing on page 21 of Vol. 46, Statutes at Large.

¹⁵ As amended by Act June 25, 1948, ch. 645, § 7, 62 Stat. 860.

¹⁶ As amended by Act July 16, 1952, ch. 912, 66 Stat. 736, 737.

¹⁷ First sentence only.

¹⁸ In the fifth full paragraph on this page, the words commencing with "reimbursement for" and ending with "or surveys."

¹⁹ In the first full paragraph on this page, the words commencing with "reimbursement for" and ending with "or surveys."

²⁰ The first proviso in the first full paragraph on this page.

Approved August 31, 1954.

Public Law 741

CHAPTER 1159

AN ACT

August 31, 1954
[H. R. 5499]

To provide for the construction, maintenance, and operation of the Michaud Flats project for irrigation in the State of Idaho.

Michaud Flats
project, Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct, maintain, and operate the

Michaud Flats project for irrigation in the State of Idaho substantially in accordance with the plans set forth in the report of the Bureau of Reclamation Regional Director of Region 1, dated October 22, 1953, with such modifications as the Commissioner of Reclamation, with the approval of the Secretary, may find proper in order to provide for the most efficient accomplishment of all the purposes of such plans. Such construction, maintenance, and operation shall be in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) as far as such laws are not inconsistent with the provisions of section 2 of this Act.

43 USC 371 note.

SEC. 2. The project's water users shall be required to assume an obligation to repay out of that part of the total construction cost of the project which the Secretary determines to be properly allocable to irrigation, so much as the Secretary finds to be within their ability to repay prior to the time when, account being taken of the application of power revenues as provided in part (b) of this section, full return of the irrigation allocation is accomplished. Such repayment shall be in accordance with the provisions of the Federal reclamation laws as modified with respect to the Michaud Flats project by the following:

Repayment of costs.

(a) Payments by the contracting organization shall be scheduled, under a contract conforming to the provisions of this Act, on the basis of uniform charges for like classes of land in each unit of such project which will result in the establishment of annual installments which are, as nearly as practicable, of an amount equal to the ability of such water users to pay in each year having regard to the volume of production of such water users, prices they receive for their farm products, and their production and living costs.

Annual installments.

(b) Net power revenues received from the Palisades project, Idaho, and any developments combined therewith for payout purposes under the provisions of the second sentence of section 2 of the Act of September 30, 1950 (64 Stat. 1083), shall, after payout of said projects is accomplished pursuant to law, be applied (concurrently with continued payments by the water users) to payment of the irrigation allocation of the Michaud Flats project until full repayment of said allocation is accomplished.

Application of Palisades project revenues.

(c) The Secretary of the Interior shall require that a replacement reserve of an amount sufficient to meet replacement costs likely to be incurred before the end of the repayment period established under the provisions of part (a) above, shall be established and maintained in connection with such Michaud Flats project.

Replacement reserve.

SEC. 3. (a) To aid in the development of not more than twenty-one thousand acres of irrigable land in the Michaud division of the Fort Hall Indian Reservation, as heretofore authorized by the Act of February 4, 1931 (46 Stat. 1061), and hereby reauthorized for construction, operation, and maintenance without regard to the provisions of said Act, the Secretary is authorized—

Fort Hall Indian Reservation, Michaud division.

(1) to reserve for the benefit of those lands when needed, but without prejudice to the interim use thereof for other purposes proper under reclamation laws, eighty-three thousand and nine hundred acre-feet of storage capacity in Palisades Reservoir and forty-seven thousand and seven hundred acre-feet of that portion of the storage capacity in American Falls Reservoir which was set aside for lands in the Michaud area generally by section 3 of the Act of September 30, 1950 (64 Stat. 1083); and

Storage capacity reservation.

(2) to account for the return of so much of the cost of said development (including the cost of the aforesaid storage space in Palisades and American Falls Reservoirs) as the Secretary

Return of cost.

25 USC 386a.	finds cannot be repaid by the water users on terms substantially similar to those provided in section 2 of this Act, except for the application of the provisions of the Act of July 1, 1932 (47 Stat. 564), and the Act of March 1, 1907 (34 Stat. 1015, 1024), which are specifically made applicable to the project authorized by this section and Indian lands susceptible of irrigation under said project, by application of net power revenues of the Palisades project and any developments combined therewith for payout purposes under the provisions of the second sentence of section 2 of the Act of September 30, 1950, after payout thereof is accomplished pursuant to law.
64 Stat. 1083.	
Conditions.	(b) Construction of works to serve the Michaud division lands shall be undertaken only if, in consideration thereof and of the additional benefits authorized in the preceding sentence of this section, such appropriate arrangements as may be required in the circumstances are first made, by contract or otherwise, with respect to a water supply for said lands which, among other things—
Water supply limit.	(1) limit that supply to the yield of the space in Palisades and American Falls Reservoirs as hereinbefore set forth and to that obtained by the pumping of ground water in an average annual amount of not more than twenty-two thousand and four hundred acre-feet; and
Snake River waters. Priority.	(2) consent to a priority in time and right in such beneficial consumptive uses of the waters of the Snake River, and its tributaries, as are established under the laws of the State of Idaho prior to the date of this Act as against any use of the waters arising on or flowing through the Fort Hall Bottoms within the Fort Hall Indian Reservation, including, but not limited to, the intercepted flow of Ross Fork Creek, the Portneuf River below Pocatello, Big Jimmy Creek, Big Spring Creek, and Clear Creek, for the irrigation of the lands of the Michaud division of the Fort Hall Indian Reservation.
Repeal.	The United States consents to the making of the arrangements aforesaid, and its construction, operation, and maintenance of said works shall constitute a waiver of any of its rights to the use of waters arising on or flowing through the Fort Hall Bottoms within the Fort Hall Indian Reservation, including, but not limited to, the intercepted flow of Ross Fork Creek, the Portneuf River below Pocatello, Big Jimmy Creek, Big Spring Creek, and Clear Creek, for the irrigation of the lands in the Michaud division of the Fort Hall Indian Reservation.
Crediting of Palisades project revenues.	SEC. 4. The Act of February 4, 1931 (46 Stat. 1061), authorizing the development of the Michaud division of the Fort Hall irrigation project is hereby repealed.
	SEC. 5. In crediting the net power revenues from the Palisades project to the projects authorized in sections 2 and 3 of this Act, after payout of the Palisades project pursuant to law, said revenues shall be applied ratably to the two projects in proportion to the total construction costs thereof.
Appropriation.	SEC. 6. (a) Except as provided in section 3 (b), nothing in this Act shall affect any rights in and to the waters of the Fort Hall Indian Reservation or the Snake River and its tributaries.
	(b) Nothing in this Act shall affect the land tenure, allotment, or ownership on the Fort Hall Indian Reservation.
	SEC. 7. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, \$5,500,000 for construction of the works authorized in section 1 of this Act, and \$5,500,000 for construction of the works authorized in section 3 of

this Act, plus such additional amount, if any, as may be required by reason of changes in the costs of construction of the types involved in these projects, as shown by engineering indices. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said works.

Approved August 31, 1954.

Public Law 742

CHAPTER 1160

AN ACT

To create a National Monument Commission, and for other purposes.

August 31, 1954
[H. R. 6455]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a National Monument Commission. Said Commission shall be composed of four Senators from the Senate of the United States to be appointed by the Vice President of the United States, four Representatives of the House of Representatives of the United States to be appointed by the Speaker of that House, and four eminent citizens of the United States to be appointed by the President of the United States. The Commission shall be bipartisan and the terms of the first Commissioners shall be for one, two, three, and four years and subsequently shall be four years. Vacancies in the Commission shall be filled by the respective designator who appointed the original member. Members shall serve until their respective successors are appointed. The President shall, at the time of appointment, designate one of the members appointed by him to serve as Chairman.

National Monu-
ment Commission.
Creation.

SEC. 2. It shall be the function of said Commission to secure plans and designs for a useful monument to the Nation symbolizing to the United States and the world, the ideals of a democracy as embodied in the five freedoms, speech, religion, press, assembly, and petition, sanctified by the Bill of Rights adopted by Congress in 1789 and later ratified by the States. Such plans shall be approved by the Secretary of the Interior, the National Capital Planning Commission, and the Commission of Fine Arts, and thereafter submitted to Congress for legislative authorization.

Function.

SEC. 3. Said monument shall be located on federally owned land within the George Washington Memorial Parkway adjoining the north boundary of Arlington National Cemetery west of Arlington Ridge Road and south of Arlington Boulevard on the heights overlooking the Potomac River. The monument, upon its completion, shall be administered by the Secretary of the Interior through the National Park Service, Department of the Interior.

Location of
monument.

Administration.

SEC. 4. Said monument shall serve as an international shrine and a continuing memorial to the principles of the five freedoms and to all peoples and nations who have contributed to the establishment, promotion, and defense of those principles in the preservation of democracy throughout the world. It may include an appropriate structure or structures to house cultural displays and exhibits or symbolic features of national and international significance designed to accomplish the objectives of section 2 of this Act.

SEC. 5. (a) Said Commission may establish rules and regulations governing its actions in carrying out the purposes of this Act.

Rules and regu-
lations.

(b) The Commission members appointed from the Congress shall serve without additional compensation. Commission members appointed from private life shall receive \$50 per diem when engaged in the performance of Commission duties. All Commission members shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of Commission duties.

Compensation of
members.

Uncompensated personnel.

(c) The Commission is authorized to accept and utilize services of voluntary and uncompensated personnel and to pay any such personnel necessary traveling and subsistence expenses when engaged in the work of the Commission.

Appointments and expenditures.
63 Stat. 972.
5 USC 1071 note.

(d) Within the limits of its appropriations, the Commission is authorized to appoint such personnel, without regard to the civil-service laws and the Classification Act of 1923, as amended, to procure such printing and binding, and to make such expenditures as, in its discretion, it deems necessary.

Federal agency assistance.

(e) The Commission is authorized to request and secure the advice or assistance of any Federal agency. Any Federal agency furnishing advice or assistance to the Commission may expend its own funds for this purpose, with or without reimbursement from the Commission as may be agreed upon between the Commission and the agency.

Reports.

(f) The Commission shall report annually to the President and Congress its progress and recommendations pertaining to such a memorial. Upon the conclusion of its work, the Commission shall promptly submit a final report.

Termination.

(g) Thirty days after the submission of its final report the Commission shall cease to exist.

Appropriation.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary for the expenses of the Commission.

Approved August 31, 1954.

Public Law 743

CHAPTER 1161

AN ACT

August 31, 1954
[H. R. 6616]

To amend title 17, United States Code, entitled "Copyrights".

Copyrights.
61 Stat. 655.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of title 17, United States Code, is amended to read as follows:

"§ 9. Authors or proprietors, entitled: aliens

Works of aliens.

"The author or proprietor of any work made the subject of copyright by this title, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this title: *Provided, however,* That the copyright secured by this title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only under the conditions described in subsections (a), (b), or (c) below:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

"The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require: *Provided,* That whenever the President shall find that the authors, copyright owners, or proprietors of works first produced or published abroad and subject to copyright or to renewal of copyright under the laws of

the United States, including works subject to ad interim copyright, are or may have been temporarily unable to comply with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States, because of the disruption or suspension of facilities essential for such compliance, he may by proclamation grant such extension of time as he may deem appropriate for the fulfillment of such conditions or formalities by authors, copyright owners, or proprietors who are citizens of the United States or who are nationals of countries which accord substantially equal treatment in this respect to authors, copyright owners, or proprietors who are citizens of the United States: *Provided further*, That no liability shall attach under this title for lawful uses made or acts done prior to the effective date of such proclamation in connection with such works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

"The President may at any time terminate any proclamation authorized herein or any part thereof or suspend or extend its operation for such period or periods of time as in his judgment the interests of the United States may require.

"(c) When the Universal Copyright Convention, signed at Geneva on September 6, 1952, shall be in force between the United States of America and the foreign state or nation of which such author is a citizen or subject, or in which the work was first published. Any work to which copyright is extended pursuant to this subsection shall be exempt from the following provisions of this title: (1) The requirement in section 1 (e) that a foreign state or nation must grant to United States citizens mechanical reproduction rights similar to those specified therein; (2) the obligatory deposit requirements of the first sentence of section 13; (3) the provisions of sections 14, 16, 17, and 18; (4) the import prohibitions of section 107, to the extent that they are related to the manufacturing requirements of section 16; and (5) the requirements of sections 19 and 20: *Provided, however*, That such exemptions shall apply only if from the time of first publication all the copies of the work published with the authority of the author or other copyright proprietor shall bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.

"Upon the coming into force of the Universal Copyright Convention in a foreign state or nation as hereinbefore provided, every book or periodical of a citizen or subject thereof in which ad interim copyright was subsisting on the effective date of said coming into force shall have copyright for twenty-eight years from the date of first publication abroad without the necessity of complying with the further formalities specified in section 23 of this title.

"The provisions of this subsection shall not be extended to works of an author who is a citizen of, or domiciled in the United States of America regardless of place of first publication, or to works first published in the United States."

SEC. 2. Section 16 of title 17, United States Code, is amended to read as follows:

"§ 16. Mechanical work to be done in United States

"Of the printed book or periodical specified in section 5, subsections (a) and (b), of this title, except the original text of a book or periodical of foreign origin in a language or languages other than English,

Universal Copy-
right Convention.

61 Stat. 653.

61 Stat. 656.

61 Stat. 657,
658, 663, *infra*.

61 Stat. 658;
post, p. 1032.

63 Stat. 154.

61 Stat. 657.

Printing in U. S.

61 Stat. 654.

the text of all copies accorded protection under this title, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of type-setting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photoengraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photoengraving process, and also to separate lithographs or photoengravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however,* That said requirements shall not apply to works in raised characters for the use of the blind, or to books or periodicals of foreign origin in a language or languages other than English, or to works printed or produced in the United States by any other process than those above specified in this section, or to copies of books or periodicals, first published abroad in the English language, imported into the United States within five years after first publication in a foreign state or nation up to the number of fifteen hundred copies of each such book or periodical if said copies shall contain notice of copyright in accordance with sections 10, 19, and 20 of this title and if an interim copyright in said work shall have been obtained pursuant to section 22 of this title prior to the importation into the United States of any copy except those permitted by the provisions of section 107 of this title: *Provided further,* That the provisions of this section shall not affect the right of importation under the provisions of section 107 of this title."

61 Stat. 656, 658;
infra.

63 Stat. 154.

61 Stat. 663.

61 Stat. 658.

SEC. 3. Section 19 of title 17, United States Code, is amended to read as follows:

Notice of copy-
right.
61 Stat. 656.

"§ 19. Notice; form

61 Stat. 654.

"The notice of copyright required by section 10 of this title shall consist either of the word 'Copyright', the abbreviation 'Copr.', or the symbol ©, accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section 5 of this title, the notice may consist of the letter C enclosed within a circle, thus ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided,* That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright was subsisting on July 1, 1909, the notice of copyright may be either in one of the forms prescribed herein or may consist of the following words: 'Entered according to Act of Congress, in the year , by A. B., in the office of the Librarian of Congress, at Washington, D. C.,' or, at his option, the word 'Copyright', together with the year the copyright was entered and the name of the party by whom it was taken out; thus, 'Copyright, 19—, by A. B.'"

Effective date.

SEC. 4. This Act shall take effect upon the coming into force of the Universal Copyright Convention in the United States of America.

Approved August 31, 1954.

Public Law 744

CHAPTER 1162

AN ACT

To extend benefits under the War Claims Act of 1948 to certain classes of persons, and for other purposes.

August 31, 1954
[S. 541]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "War Claims Act Amendments of 1954".

War Claims Act
Amendments of
1954.

TITLE I

SEC. 101. (a) Clause (2) of subsection (a) of section 5 of the War Claims Act of 1948, as amended (50 App. U. S. C., sec. 2004), is hereby amended by striking out "(A) a person within the purview of the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, and as extended; or (B) a person within the purview of the Act entitled 'An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes', approved December 2, 1942, as amended; or (C) a person within the purview of the Missing Persons Act of March 7, 1942 (56 Stat. 143), as amended; or (D)".

Detention bene-
fits,
62 Stat. 1242.

39 Stat. 742.
5 USC 751 note.

56 Stat. 1028.
42 USC 1701-
1717, 1651.
50 USC app. 1001
note.

(b) Paragraph (3) of subsection (f) of such section is hereby amended to read as follows:

"(3) The following provisions of such Act of December 2, 1942, as amended, shall not apply in the case of such civilian American citizens: The last sentence of section 101 (a), section 101 (b), section 101 (d), section 104, and section 105."

42 USC 1701,
1704, 1705.

(c) Such subsection (f) is hereby further amended by adding at the end thereof the following new paragraphs:

"(10) No benefits provided by this subsection for injury, disability, or death shall accrue to any person who, without regard to this subsection, is entitled to or has received benefits for the same injury, disability, or death under such Act of December 2, 1942, as amended.

"(11) No benefits provided by this subsection shall accrue to any person to whom benefits have been paid, or are payable, under the Federal Employees' Compensation Act, or any extension thereof, by reason of disability or death of an employee of the United States suffered after capture, detention, or other restraint by an enemy of the United States, when such disability or death is deemed, in the administration of the Federal Employees' Compensation Act, to have resulted from injury occurring while in the performance of duty, under subsection (b) of section 5 of the Act entitled 'An Act to amend the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", as amended', approved July 28, 1945, as amended."

39 Stat. 742.
5 USC 751 note.

(d) The second proviso of subsection (b) of section 5 of the Act entitled "An Act to amend the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', as amended", approved July 28, 1945, is hereby amended by inserting immediately after "gratuity from the United States" the following: "(other than detention benefits under section 5 of the War Claims Act of 1948)".

59 Stat. 505.
5 USC 801.

(e) (1) Individuals entitled to benefits under subsections (b), (c), or (d) of section 5 of the War Claims Act of 1948, as amended, solely by reason of the amendments made by this Act, must file claim therefor within one year after the date of enactment of this Act.

50 USC app.
2004.

Filing date.

(2) The time limitations applicable to the filing of claims for benefits extended and made applicable to any individual by subsection (f) of such section 5 shall not begin to run until the date of enactment of this Act with respect to any individual who is entitled to such benefits solely by reason of the amendments made by this Act. This paragraph shall not be construed to affect the right of any individual to receive such benefits with respect to any period prior to the date of enactment of this Act.

SEC. 102. (a) (1) Subsection (d) of section 5 of the War Claims Act of 1948, as amended; subsection (c) of section 6 of such Act; and paragraph (4) of subsection (d) of such section 6, are each hereby amended by striking out "dependent" each time it occurs.

(2) Subsection (d) of section 5 of the War Claims Act of 1948, as amended, is amended by striking out "and" at the end of clause (2), striking out the period at the end of clause (3) and inserting in lieu thereof: "; and", and by adding at the end thereof the following new clause:

"(4) Parents (in equal shares) if there is no husband, or child."

(b) The amendments made by this section shall not apply with respect to benefits paid prior to the date of enactment of this Act.

(c) Individuals entitled to benefits solely by reason of the amendments made by this section must file claim therefor within one year after the date of enactment of this Act.

SEC. 103. The War Claims Act of 1948, as amended, is hereby further amended by adding at the end thereof the following:

"SEC. 15. (a) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim for compensation filed by or on behalf of any individual who, being then an American citizen, served in the military or naval forces of any government allied with the United States during World War II who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which such allied government has been at war subsequent to such date. Compensation shall be payable under this section in accordance with the standards established by, and at the rates prescribed in, subsection (b) of section 6 of this Act, and paragraphs (2) and (3) of subsection (d) of such section 6.

"(b) The amount payable under this section shall be reduced by such sum as the individual entitled to compensation under this section has received or is entitled to receive from any government by reason of the same detention.

"(c) In the event of death of the individual entitled to compensation under this section, payment may be made to the persons specified in paragraph (4) of subsection (d) of section 6 of this Act.

"(d) Claims for benefits under this section must be filed within one year after the date of enactment of this section.

"(e) Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act.

"SEC. 16. (a) As used in this section, the term 'merchant seaman' means any individual who was employed as a seaman or crew member on any vessel registered under the laws of the United States, or under the laws of any government friendly to the United States during World War II, and who was a citizen of the United States on and after December 7, 1941, to the date of his death or the date of filing claim under this section; except any such individual who is entitled to, or who has received, benefits under section 5 of this Act as a 'civilian American citizen'.

“(b) The Commission is authorized to receive and determine, according to law, the amount and validity, and provide for the payment of any claim for detention benefits filed by or on behalf of any merchant seaman who, being then a merchant seaman, was captured or interned or held by the Government of Germany or the Imperial Japanese Government, its agents or instrumentalities in World War II for any period of time subsequent to December 7, 1941, during which he was held by either such government as a prisoner, internee, hostage, or in any other capacity. Detention benefits shall be paid under this section at the rates prescribed and in the manner provided in subsections (c) and (d) of section 5 of this Act.

“(c) Payment of any claim filed under this section shall not be made to any merchant seaman, or to any survivor or survivors thereof, who, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War II.

“(d) Claims for benefits under this section must be filed within one year after the date of enactment of this section.

“(e) Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this Act.

“SEC. 17. (a) (1) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by—

“(A) any individual who—

“(i) on or after December 7, 1941, was a member of the military or naval forces of the United States;

“(ii) is the survivor of any deceased individual described in subparagraph (i);

“(iii) was a national of the United States on December 7, 1941, and is a national of the United States on the date of enactment of this section; or

“(iv) is the survivor of any deceased individual who was a national of the United States on December 7, 1941, and would be a national of the United States on the date of enactment of this section if living; or

“(B) any partnership, firm, corporation, or other legal entity, in which more than 50 per centum of the ownership was vested, directly or indirectly, both on December 7, 1941, and on the date of enactment of this section, in individuals referred to in subparagraph (A) of this paragraph;

for losses arising as a result of the sequestration of accounts, deposits, or other credits of such individual or legal entity in the Philippines by the Imperial Japanese Government.

“(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any bank or other financial institution doing business in the Philippines which reestablished sequestered accounts, deposits, or other credits of—

“(A) any individual referred to in subparagraph (A) of paragraph (1) of this subsection; or

“(B) any partnership, firm, corporation, or other legal entity, in which more than 50 per centum of the ownership was vested, directly or indirectly, both on December 7, 1941, and on the date of reestablishment of such sequestered credits, in individuals referred to in such subparagraph (A);

for reimbursement of the amounts of such sequestered credits paid by such bank or financial institution.

50 USC app.
2004.

Filing date.

50 USC app.
2012.
Philippines.
Losses from
sequestered cred-
its.

Filing date.	“(b) Claims must be filed under this section within one year after the date of enactment of this section.
Legal disability or death. 50 USC app. 2004(e).	“(c) Where any individual entitled to payment under this section is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of section 5 of this Act. In the case of the death of any individual entitled to payment of any claim under this section, payment of such claim shall be made to the individuals specified, and in the order provided, in subsection (d) of section 6 of this Act; except that no payment shall be made under this section to any individual who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War II.
50 USC app. 2005(d).	“(d) Each claim allowed under this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established under section 13 of this Act. The Secretary of the Treasury shall pay such claims as follows:
Payment of claims. 50 USC app. 2012.	“(1) In the case of each claim allowed in an amount equal to or less than \$500, such claim shall be paid in full; and “(2) In the case of each claim allowed in an amount greater than \$500, such claim shall be paid in two installments. The first installment shall be paid in an amount equal to \$500 plus 66⅔ per centum of the amount of such claim allowed in excess of \$500. The last installment shall be computed as of September 1, 1956, under the next sentence of this paragraph, and, as so computed, shall be paid from the sums remaining in the War Claims Fund on that date. If the sums remaining in the War Claims Fund on September 1, 1956, are sufficient to satisfy all claims allowed under this section and not paid in full, the unpaid portion of each such claim shall be paid in full; if the sums remaining in the War Claims Fund on September 1, 1956, are not sufficient to satisfy all claims allowed under this section and not paid in full, the last installment payable on each such claim shall be reduced ratably, and, as so reduced, shall be paid from the War Claims Fund.
Estimates and transfers of funds. 62 Stat. 1247.	SEC. 104. (a) Section 13 of the War Claims Act of 1948, as amended (50 App. U. S. C., sec. 2012), is hereby amended by striking out subsections (b) and (c) thereof, and by inserting immediately after subsection (a) thereof the following:
50 USC app. 2004(f).	“(b) Before August 1, 1956, the Secretary of Labor shall estimate and report to the President the total amount which will be required to pay all benefits payable by reason of section 5 (f) of this Act. If the President approves the amount so estimated as reasonably accurate, the total amount so estimated and approved shall be certified to the Secretary of the Treasury; if the President does not so approve he shall determine such amount, and the amount so determined shall be certified to the Secretary of the Treasury. Such certification shall be made on or before September 1, 1956. The Secretary of the Treasury shall then transfer from the War Claims Fund to the general fund of the Treasury a sum equal to the total amount certified to him under this subsection. “(c) Before August 1, 1956, the Secretary of Labor shall estimate and report to the President the total amount which will be required to pay all additional benefits payable as a result of the enactment of section 4 (c) of this Act. If the President approves the amount so estimated as reasonably accurate, the total amount so estimated and approved shall be certified to the Secretary of the Treasury; if the President does not so approve, he shall determine such amount, and the amount so determined shall be certified to the Secretary of the Treasury. Such certification shall be made on or before September

1, 1956. The Secretary of the Treasury shall then transfer from the War Claims Fund to the general fund of the Treasury a sum equal to the total amount certified to him under this subsection."

(b) Subsection (d) of such section 13 is hereby amended by striking out "The Secretary of State" and inserting in lieu thereof the following: "On or before August 1, 1956, the Secretary of State".

SEC. 105. Within two years after the date of enactment of this Act, the Foreign Claims Settlement Commission of the United States shall wind up its affairs in connection with the settlement of all claims for benefits authorized by the amendments made by this Act.

Time limit for
claims settlement.

TITLE II

SEC. 201. As used in this title—

(a) The term "prisoner of war" has the meaning assigned to it by section 6 of the War Claims Act of 1948, as amended; and

(b) The term "civilian American citizen" has the meaning assigned to it by subsection (a) of section 5 of such Act.

Definitions.

SEC. 202. The Secretary of Health, Education, and Welfare, in cooperation with, and with the assistance of, the Administrator of Veterans' Affairs, the Secretary of Labor, and the Secretary of Defense, shall conduct a study of—

Study of effects
of malnutrition,
etc.

(1) the mortality rates among prisoners of war and civilian American citizens, with a view to determining whether their abnormally high mortality rate is directly attributable to the malnutrition and other hardships suffered by them while held as prisoners of war, hostages, internees, or in any other capacity;

(2) the mental and physical consequences of the malnutrition and other hardships suffered by prisoners of war and civilian American citizens while so held; and

(3) the procedures and standards which should be applied in the diagnosis of the mental and physical condition of prisoners of war and civilian American citizens.

SEC. 203. Not later than one year after the date of enactment of this title, the Secretary of Health, Education, and Welfare shall report the results of such study to the President for transmittal to the Congress.

Report.

Approved August 31, 1954.

Public Law 745

CHAPTER 1163

AN ACT

To facilitate the acquisition of non-Federal land within the existing boundaries of any National Park, and for other purposes.

August 31, 1954
[H. R. 6814]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to consolidate Federal land ownership within the existing boundaries of any National Park and to encourage the donation of funds for that purpose, the Secretary of the Interior is authorized to accept and to use in his discretion funds which may be donated subject to the condition that such donated funds are to be expended for purposes of this Act by the Secretary only if Federal funds in an amount equal to the amount of such donated funds are appropriated for the purposes of this Act. There are authorized to be appropriated such funds as may be necessary to match funds that may be donated for such purposes: *Provided*, That the amount which may be appropriated annually for purposes of this Act shall be limited to \$500,000.

National parks.
Donated funds
for land acquisition.

Appropriation.

Approved August 31, 1954.

Public Law 746

CHAPTER 1164

August 31, 1954
[H. R. 7840]

AN ACT

To amend the Railroad Retirement Act, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act.

Railroad acts,
amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PART I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT

50 Stat. 309.
45 USC 228a.

Delegate's com-
pensation.

SECTION 1. Subsection (h) of section 1 of the Railroad Retirement Act of 1937, as amended, is hereby amended by inserting after the end of the last sentence thereof the following: "Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an 'employer' in subsection (a) of this section shall be disregarded for purposes of determining eligibility for and the amount of benefits pursuant to this Act if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his 'years of service'."

45 USC 228b.

SEC. 2. The last paragraph of subsection (a) of section 2 of the Railroad Retirement Act of 1937, as amended, is hereby amended by striking the fourth sentence thereof.

SEC. 3. Subsection (d) of section 2 of the Railroad Retirement Act of 1937, as amended, is hereby amended by adding after the end thereof the following paragraph:

Annuity pay-
ments.

"No annuity under paragraph 4 or 5 of subsection (a) of this section shall be paid to an individual with respect to any month in which the individual is under age sixty-five and is paid more than \$100 in earnings from employment or self-employment of any form: *Provided*, That for purposes of this paragraph, if a payment in any one calendar month is for accruals in more than one calendar month, such payment shall be deemed to have been paid in each of the months in which accrued to the extent accrued in such month. Any such individual under the age of sixty-five shall report to the Board any such payment of earnings for such employment or self-employment before receipt and acceptance of an annuity for the second month following the month of such payment. A deduction shall be imposed, with respect to any such individual who fails to make such report, in the annuity or annuities otherwise due the individual, in an amount equal to the amount of the annuity for each month in which he is paid such earnings in such employment or self-employment, except that the first deduction imposed pursuant to this sentence shall in no case exceed an amount equal to the amount of the annuity otherwise due for the first month with respect to which the deduction is imposed."

Accruals.

Report to Board.

45 USC 228c.

SEC. 4. Subsection (a) of section 3 of the Railroad Retirement Act of 1937, as amended, is hereby amended by substituting "\$200" for "\$150".

SEC. 5. Subsection (b) (1) of section 3 of the Railroad Retirement Act of 1937, as amended, is hereby amended by substituting for the parenthetical phrase "(including compensation in any month in excess of \$300)" wherever it appears the phrase "(without regard to any limitation on the amount of compensation otherwise provided in this Act)".

SEC. 6. Subsection (c) of section 3 of the Railroad Retirement Act of 1937, as amended, is hereby amended by inserting after the figure "300" the following: "for any month before July 1, 1954, or in excess of \$350 for any month after June 30, 1954,"; and by adding at the end thereof the following: "If the employee earned compensation in service after June 30, 1937, and after the last day of the calendar year in which he attained age sixty-five, such compensation and service

shall be disregarded in computing the monthly compensation if the result of taking such compensation into account in such computation would be to diminish his annuity."

SEC. 7. Subsection (e) of section 3 of the Railroad Retirement Act of 1937, as amended, is hereby amended by inserting after the comma following the word "respectively" the following: "individuals entitled to insurance annuities under subsections (a) and (d) of section 5 to have attained age sixty-five, and individuals entitled to insurance annuities under subsection (c) of section 5 on the basis of disability to be less than eighteen years of age,"; and by substituting the words "of the Social Security Act" for the word "thereof" in the last parenthetical phrase of the subsection.

45 USC 228c.

45 USC 228e.

SEC. 8. Subsections (a) and (d) of section 5 of the Railroad Retirement Act of 1937, as amended, are hereby amended by substituting the word "sixty" for the word "sixty-five".

45 USC 228e.

SEC. 9. Subsection (f) (2) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by substituting the word "sixty" for the word "sixty-five" wherever it appears; by inserting after the phrase "pursuant to subsection (k) of this section," where it first appears, the following: "upon attaining age sixty-five at a future date, will be payable"; by inserting after the word "month" in the parenthetical phrase the following: "before July 1, 1954, and in the latter case in excess of \$350 for any month after June 30, 1954"; and by inserting after the phrase "pursuant to subsection (k) of this section," where it first appears in the proviso the phrase: "upon attaining age sixty-five be entitled to further benefits".

SEC. 10. Subsection (g) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by striking the last sentence of paragraph (2).

SEC. 11. Subsection (i) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by inserting the word "or" after the semicolon in clause (ii) of paragraph (1); by striking clause (iii) of such paragraph; and by redesignating clause (iv) of such paragraph as clause (iii).

SEC. 12. Subsection (l) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by striking from paragraph (1) (ii) the phrase "and less than eighteen years of age" and substituting in lieu thereof the following: "and shall be less than eighteen years of age, or shall have a permanent physical or mental condition which is such that he is unable to engage in any regular employment: *Provided*, That such disability began before the child attains age eighteen". Such subsection is further amended by changing the semicolon at the end of paragraph (1) to a period, and adding the following: "Such satisfactory proof shall be made from time to time, as prescribed by the Board, of the disability provided in clause (ii) of this paragraph and of the continuance, in accordance with regulations prescribed by the Board, of such disability. If the individual fails to comply with the requirements prescribed by the Board as to the proof of the continuance of the disability his right to an annuity shall, except for good cause shown to the Board, cease;".

SEC. 13. Subsection (l) (9) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by inserting after the term "calendar month" the phrase: "before July 1, 1954, and any excess over \$350 for any calendar month after June 30, 1954"; and by substituting the figure "350" for the figure "300" where it appears the second time.

SEC. 14. Subsection (l) (10) (i) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by substituting the figure "350" for the figure "300".

45 USC 228a et
seq.
Waiver.

SEC. 15. The Railroad Retirement Act of 1937, as amended, is hereby amended by adding at the end thereof the following new section:

"SEC. 20. Any person awarded an annuity or pension under this Act may decline to accept all or any part of such annuity or pension by a waiver signed and filed with the Board. Such waiver may be revoked in writing at any time, but no payment of the annuity or pension waived shall be made covering the period during which such waiver was in effect. Such waiver shall have no effect on the amount of the spouse's annuity, or of a lump sum under section 5 (f) (2), which would otherwise be due, and it shall have no effect for purposes of the last sentence of section 5 (g) (1)."

Ante, p. 1039.

PART II—AMENDMENTS TO THE RAILROAD RETIREMENT TAX ACT

60 Stat. 723.
26 USC 1500.

SEC. 201. Section 1500 of the Railroad Retirement Tax Act is hereby amended by inserting after the word "month" the following: "before July 1, 1954, and as is not in excess of \$350 for any calendar month after June 30, 1954".

26 USC 1501.

SEC. 202. Section 1501 of the Railroad Retirement Tax Act is hereby amended by inserting after the figure "300" where it first appears the following: "for any month before July 1, 1954, or in excess of \$350 for any month after June 30, 1954"; and by inserting after the figure "300" where it appears the second time, the following: "if such month is before July 1, 1954, or is less than \$350 if such month is after June 30, 1954".

26 USC 1510.

SEC. 203. Section 1510 of the Railroad Retirement Tax Act is hereby amended by inserting after the word "month" the following: "before July 1, 1954, and as is not in excess of \$350 for any calendar month after June 30, 1954".

26 USC 1520.

SEC. 204. Section 1520 of the Railroad Retirement Tax Act is hereby amended by inserting after the word "month" where it first appears the phrase: "before July 1, 1954"; by inserting after the figure "\$300" where it first appears the following: ", and for any calendar month after June 30, 1954, not in excess of \$350"; by inserting after the phrase "shall apply" where it first appears the phrase: ", with respect to any calendar month before July 1, 1954,"; by inserting after the figure "300" where it appears the second time, the phrase: ", and with respect to any calendar month after June 30, 1954, to not more than \$350,"; and by inserting after the figure "300" where it appears the third time the phrase: "if the month is before July 1, 1954, or is less than \$350 if the month is after June 30, 1954".

26 USC 1532.

Delegate's com-
pensation.

SEC. 205. Subsection (e) of section 1532 of the Railroad Retirement Tax Act is hereby amended by inserting at the end thereof the following sentence: "Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an 'employer' in subsection (a) of this section shall be disregarded for purposes of determining the amount of taxes due pursuant to this subchapter if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his 'years of service' for purposes of the Railroad Retirement Act."

45 USC 228 et
seq.

68 A. Stat. 431,
432, 433.

SEC. 206. (a) Section 3201, section 3202 (a), section 3211, and section 3221 of the Internal Revenue Code of 1954 are hereby amended by striking out "\$300" each place it appears in each such section and inserting in lieu thereof "\$350".

68A Stat. 437.

(b) Section 3231 (e) (1) of the Internal Revenue Code of 1954 is hereby amended by inserting at the end thereof the following sentence: "Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an 'employer' in subsection (a) of this section shall be disregarded

for purposes of determining the amount of taxes due pursuant to this chapter if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his 'years of service' for purposes of the Railroad Retirement Act."

45 USC 228 et
seq.

PART III—AMENDMENTS TO RAILROAD UNEMPLOYMENT INSURANCE ACT

SEC. 301. Subsection (g) of section 1 of the Railroad Unemployment Insurance Act is hereby amended by adding at the end thereof the following sentence: "For purposes of determining eligibility for and the amount of benefits and the amount of contributions due pursuant to this Act, employment as a delegate to a national or international convention of a railway labor organization defined as an 'employer', in subsection (a) of this section, shall be disregarded if the individual having such employment has not previously rendered service, other than as such a delegate, which may be included in his 'years of service' for purposes of the Railroad Retirement Act."

Employment as
delegate.
52 Stat. 1095.
45 USC 351.

SEC. 302. Subsection (i) of section 1 of the Railroad Unemployment Insurance Act is hereby amended by inserting after the term "calendar month" where it first appears the phrase: "before July 1, 1954"; and by inserting before the period at the end of the first sentence the phrase: "and with respect to any calendar month after June 30, 1954, no part of any compensation in excess of \$350 shall be recognized".

SEC. 303. Subsection (k) of section 1 of the Railroad Unemployment Insurance Act is hereby amended by substituting the figure "400" for the figure "150". Section 3 of the Railroad Unemployment Insurance Act is hereby amended by substituting the figure "400" for the figure "300".

45 USC 353.

SEC. 304. (a) Subsection (a) of section 2 of the Railroad Unemployment Insurance Act is hereby amended by substituting for the table the following:

45 USC 352.

"Column I Total compensation	Column II Daily benefit rate
\$400 to \$499.99	\$3.50
\$500 to \$749.99	4.00
\$750 to \$999.99	4.50
\$1,000 to \$1,299.99	5.00
\$1,300 to \$1,599.99	5.50
\$1,600 to \$1,999.99	6.00
\$2,000 to \$2,499.99	6.50
\$2,500 to \$2,999.99	7.00
\$3,000 to \$3,499.99	7.50
\$3,500 to \$3,999.99	8.00
\$4,000 and over	8.50

Provided, however, That if the daily benefit rate in column II with respect to any employee is less than an amount equal to 50 per centum of the daily rate of compensation for the employee's last employment in which he engaged for an employer in the base year, such rate shall be increased to such amount but not to exceed \$8.50. The daily rate of compensation referred to in the last sentence shall be as determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both."

(b) Subsection (c) of section 2 of the Railroad Unemployment Insurance Act is hereby amended by changing the period at the end thereof to a colon and by inserting after the colon the following: "*Provided, however,* That the total amount of benefits which may be paid to an employee for days of unemployment within a benefit year shall in no case exceed the employee's compensation in the base

Unemployment
benefits.

year; the total amount of benefits which may be paid to an employee for days of sickness, other than days of sickness in a maternity period, within a benefit year shall in no case exceed the employee's compensation in the base year; and the total amount of benefits which may be paid to an employee for days of sickness in a maternity period shall in no case exceed the employee's compensation in the base year on the basis of which the employee was determined to be qualified for benefits in such maternity period."

45 USC 358.

SEC. 305. Subsection (a) of section 8 of the Railroad Unemployment Insurance Act is hereby amended by inserting after the date "June 30, 1939" the following: ", and before July 1, 1954, and is not in excess of \$350 for any calendar month paid by him to any employee for services rendered to him after June 30, 1954"; by inserting after the figure "300" where it first appears in the proviso of the subsection the following: "for any month before July 1, 1954, and to not more than \$350 for any month after June 30, 1954,"; and by inserting after the figure "300" where it appears the second time in the proviso the following: "if such month is before July 1, 1954, or less than \$350 if such month is after June 30, 1954".

SEC. 306. Subsection (b) of section 8 of the Railroad Unemployment Insurance Act is amended by inserting after the date "June 30, 1939", the following: ", and before July 1, 1954, and as is not in excess of \$350 paid to him for services rendered as an employee representative in any calendar month after June 30, 1954".

PART IV—EFFECTIVE DATES

SEC. 401. The amendments made by this Act shall be effective July 1, 1954, except as otherwise provided.

SEC. 402. The provisions of sections 1, 205, and 301 of this Act shall be effective with respect to compensation paid on and after April 1, 1954.

SEC. 403. The provisions of sections 2, 3, 7, 8, 9, 11, 12, and 15 of this Act shall be effective as of the first day of the first calendar month following the month in which this Act is enacted.

Ante, p. 1038.

SEC. 404. The annuity awarded under paragraph 4 or 5 of section 2 (a) of the Railroad Retirement Act to any person who has been deemed to have recovered from his disability, pursuant to the provisions of the last paragraph of section 2 (a) as in effect prior to the enactment of this Act, shall be reinstated to begin the first day of the first calendar month following the month in which this Act is enacted and deemed, for purposes of section 2 (d) only, never to have ceased: *Provided*, That such proof is made of the continuance of such disability as is required in accordance with the provisions of such paragraph which are not amended by this Act.

Ante, p. 1038.

Ante, p. 1038.

SEC. 405. The provisions of section 6 of this Act amending subsection (c) of section 3 of the Railroad Retirement Act, by adding a sentence at the end of the subsection, shall be effective as of November 1, 1951: *Provided, however*, That no increase in any annuity heretofore awarded shall be granted pursuant to the amendments made by such section except upon application therefor by the person to whom the annuity was awarded.

SEC. 406. The provisions of section 10 of this Act shall be effective with respect to annuities accruing and annuities awarded on and after the first day after the enactment of this Act.

SEC. 407. The amendments to the Internal Revenue Code of 1954 made by section 206 shall become effective as if enacted as a part of the Internal Revenue Code of 1954.

Approved August 31, 1954.

Public Law 747

CHAPTER 1165

AN ACT

To amend the Civil Service Retirement Act of May 29, 1930, to make permanent the increases in regular annuities provided by the Act of July 16, 1952, and to extend such increases to additional annuities purchased by voluntary contributions.

August 31, 1954
[H. R. 7785]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 (c) (1) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended by striking out the first and second provisos therein and inserting in lieu thereof the following: "Provided, That such increase in annuity shall not exceed the smallest of the following amounts: (1) \$324, (2) 25 per centum of the annuity, including annuity purchased by voluntary contributions under the second paragraph of section 10 of this Act, as of August 31, 1952, or (3) the sum necessary to increase such annuity, exclusive of annuity purchased by voluntary contributions under the second paragraph of section 10 of this Act, to \$2,160".

Retirement an-
nuity.
66 Stat. 722.
5 USC 736c.

SEC. 2. Section 8 (c) (2) of the Civil Service Retirement Act of May 29, 1930, as amended, is amended to read as follows:

"(2) The increases in annuity provided by this subsection shall be paid from the civil-service retirement and disability fund."

SEC. 3. The amendment to section 12 (c) (1) of the Civil Service Retirement Act of May 29, 1930, as amended, made by the Act of March 6, 1954, shall take effect as of March 6, 1954.

Ante, p. 23.

SEC. 4. Except as provided in section 3 hereof, the amendments made by this Act shall take effect on the first day of the second calendar month following the date of enactment of this Act.

Effective date.

Approved August 31, 1954.

Public Law 748

CHAPTER 1166

AN ACT

To amend section 1089 of the Code of Law for the District of Columbia relating to attachment proceedings.

August 31, 1954
[H. R. 8128]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1089 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended (D. C. Code, sec. 15-304), is amended (a) by striking out "file his answers, under oath" and inserting in lieu thereof "file his answers verified by a written declaration that such answers are made under the penalties of perjury"; (b) by inserting "(a)" after "1089", and (c) by adding thereto the following new subsections:

D. C. attachment
proceedings.
31 Stat. 1360.

"(b) Only one attachment upon goods, chattels, and credits of a judgment debtor shall be satisfied at one time. Where more than one such attachment issued against the same judgment debtor has been served on any garnishee such attachments shall be satisfied in the order in which they were served upon the garnishee.

"(c) Every person who willfully makes and subscribes any return, statement, or other document, pursuant to this section, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter shall be subject to the penalties prescribed for perjury."

Approved August 31, 1954.

Public Law 749

CHAPTER 1167

AN ACT

August 31, 1954
[H. R. 7853]

To permit retired policemen and firemen of the District of Columbia to waive all or part of their relief or retirement compensation.

D. C. policemen
and firemen.
Relief or retire-
ment pay waivers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person entitled to relief or retirement compensation pursuant to the provisions of section 12 of the Act approved September 1, 1916 (39 Stat. 718), as amended (title 4, ch. 5, D. C. Code, 1951 edition), may decline to accept all or any part of such relief or retirement compensation by a waiver signed and filed with the Commissioners of the District of Columbia or their designated agent. Such waiver may be revoked in writing at any time, but no payment of the relief or retirement compensation waived shall be made covering the period during which such waiver was in effect.

Approved August 31, 1954.

Public Law 750

CHAPTER 1168

AN ACT

August 31, 1954
[H. R. 8027]

To amend the Act of March 6, 1952 (66 Stat. 16), to extend the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal reclamation laws, and for other purposes.

43 USC 485b
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 6, 1952 (66 Stat. 16), is hereby amended by striking the year "1954" and inserting in lieu thereof the year "1957".

Approved August 31, 1954.

Public Law 751

CHAPTER 1169

AN ACT

August 31, 1954
[H. R. 8193]

To amend the Refugee Relief Act of 1953.

Refugee relief.

50 USC app.
1971b.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (c) be added to section 4 of the Refugee Relief Act of 1953 (67 Stat. 401), to read as follows:

"(c) Any allotments of visas provided in paragraphs (5) and (6), paragraphs (7) and (8), and paragraphs (9) and (10) of subsection (a) of this section, shall be available bilaterally within each of the three ethnic groups therein defined."

50 USC app.
1971c.

SEC. 2. Subsection (c) of section 5 of the Refugee Relief Act of 1953 (67 Stat. 403) is hereby amended to read as follows:

50 USC app.
1971e.

"(c) The assurances required in this section shall be in lieu of the assurances required in section 7 of this Act, and the provisions of section 7 (d) (2) shall not apply to eligible orphans as defined in this section."

50 USC app.
1971d.
Application for
adjustment of
status.

SEC. 3. The first sentence of section 6 of the Refugee Relief Act of 1953 (67 Stat. 403) is hereby amended to read as follows: "Any alien who establishes that prior to July 1, 1953, he lawfully entered the United States as a bona fide nonimmigrant and that he is unable to return to the country of his birth, or nationality, or last residence because of persecution or fear of persecution on account of race, religion, or political opinion, or who was brought to the United States

from other American republics for internment, may, not later than June 30, 1955, apply to the Attorney General of the United States for an adjustment of his immigration status."

SEC. 4. That subsection (a) of section 7 be amended by adding at the end thereof the following: "No visa shall be issued under the allotment of forty-five thousand visas heretofore made by paragraph (5) of subsection 4 (a) of this Act to refugees in Italy, or under the allotment of fifteen thousand visas heretofore made by paragraph (7) of subsection 4 (a) of this Act to refugees in Greece, or under the allotment of fifteen thousand visas heretofore made by paragraph (9) of subsection 4 (a) of this Act to refugees in the Netherlands, to an alien who qualifies under the preferences specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act, until satisfactory evidence is presented to the responsible consular officer to establish that the alien in question will have suitable employment and housing, without displacing any other person therefrom, after arrival in the United States. Verification of such available employment and housing shall be made in accordance with such regulations as the Administrator may, in his discretion, prescribe for the administration of the Act, including job order clearances by the United States Employment Service and its affiliated State employment services, and a certification by local housing authorities wherever they exist and are authorized and prepared to make such certifications."

Approved August 31, 1954.

Visas.
Italy.
50 USC 1971e.

Greece.

Netherlands.

66 Stat. 178.
8 USC 1153.

Verification of
employment, etc.

Public Law 752

CHAPTER 1170

AN ACT

Authorizing construction of works to reestablish for the Palo Verde Irrigation District, California, a means of diversion of its irrigation water supply from the Colorado River, and for other purposes.

August 31, 1954
[H. R. 8498]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of reestablishing for the Palo Verde Irrigation District, a public agency of the State of California, a means of diverting its irrigation water supply from the Colorado River, the Secretary of the Interior is authorized to construct a dam across the Colorado River at or near the district's present or former intake capable of diverting water into said intake at an elevation of two hundred eighty-two and three-tenths feet above mean sea level, Bureau of Reclamation datum, and works appurtenant to said dam which are required to carry out the purposes stated.

Palo Verde Irrigation District,
Calif.
Diversion dam,
etc.

SEC. 2. Prior to commencing construction of the works authorized in section 1 of this Act, the Palo Verde Irrigation District shall have entered into a contract with the United States, in form and content satisfactory to the Secretary, undertaking—

Contract.

(a) to furnish to the United States for the construction and maintenance of said dam and appurtenant works the use of all lands, easements, rights-of-way, and other interests in land required for said purposes, except those which the United States already has a full and perfect right to use or which lie within the Colorado River Indian Reservation, and to save the United States harmless from all claims arising from the use and occupancy of said lands and interests in land and the operation and maintenance of said dam and appurtenant works;

(b) to operate and maintain said dam and appurtenant works without cost to the United States upon substantial completion thereof as determined by the Secretary; and

(c) to accept title to said dam, appurtenant works, lands, and interests in land upon payment by the district (which payment shall be made over a period of not more than fifty years) of the sum of \$1,175,000, and upon repayment of any loan made pursuant to section 4, clause (c), of this Act: *Provided*, That there shall be and is hereby reserved to the United States or there shall be made available to it, as the case may require, the exclusive right to utilize, without cost to it, said dam, appurtenant works, lands, and interests in land for such development, generation, and transmission of electric power and energy as may hereafter be authorized by law: *Provided further*, That in the event it becomes practicable to develop hydroelectric energy at this site, the division of such energy between the United States and the district shall be a matter of negotiation prior to construction of any powerplant.

Authority of Secretary of Interior.

SEC. 3. To aid in the construction, operation, and maintenance of the works authorized by this Act, the Secretary shall have the same authority as is given him with respect to the Colorado River front work and levee system by the second sentence of the amendment to the Act of January 21, 1927 (44 Stat. 1010, 1021), which is contained in the Act of June 28, 1946 (60 Stat. 338).

SEC. 4. The Secretary is further authorized—

(a) and directed to remove, or otherwise to nullify the effects of, the temporary rock weir across the Colorado River which was constructed under authority of the First Deficiency Appropriation Act, 1944 (58 Stat. 150, 157);

(b) to construct levees, ditches, and other works required to protect the lands of the Colorado River Indian Reservation upstream from the diversion dam authorized in section 1 of this Act against Colorado River flows of seventy-five thousand cubic feet per second and to provide a means of draining said lands;

(c) to lend to the Palo Verde Irrigation District, upon terms and conditions satisfactory to the Secretary, the sum of not more than \$500,000 for the modification of the district's existing works to accommodate them to the works authorized in section 1 of this Act, the sum loaned to be repaid over a period of not more than fifty years from the date of the loan; and

(d) to grant to the United States, upon paying the sum of \$50 per acre into the Treasury to the credit of the Colorado River Indian Tribes of the Colorado River Indian Reservation, such lands, easements, rights-of-way, or other interests in land within the Colorado River Indian Reservation, not exceeding thirty acres in all, as may be required for the construction and maintenance of the works authorized in section 1 of this Act: *Provided*, That nothing contained herein shall preclude said tribes, if they believe that such payment constitutes less than just compensation for the extinguishment or impairment of their interest in the lands and interests in land in question, from maintaining an appropriate action against the United States for such compensation.

Use of water.

SEC. 5. The use of all water diverted for the district through said works from the Colorado River shall be subject to and controlled by the Colorado River Compact, the Boulder Canyon Project Act (45 Stat. 1057), the California Limitation Act (Stats. Cal. 1929, ch. 16), contract dated February 7, 1933, between the United States and Palo Verde Irrigation District, and the Mexican Water Treaty (Treaty Series 994), and shall be included within and shall in no way increase

43 USC 617c.

59 Stat. 1219.

the total use of water to which the State of California is entitled as limited by said compact, statutes, contract, and treaty.

SEC. 6. Neither the enactment of this Act nor anything contained in it nor any action taken pursuant to it shall be deemed a recognition or admission of any obligation or liability whatsoever to the Palo Verde Irrigation District on the part of the United States.

SEC. 7. All costs incurred under authority of this Act, except those to be repaid by the Palo Verde Irrigation District, shall be nonreimbursable.

SEC. 8. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$7,099,000.

Approved August 31, 1954.

Nonliability.

Nonreimbursable costs.

Appropriation.

Public Law 753

CHAPTER 1171

AN ACT

To amend Revised Statutes 4426.

August 31, 1954
[H. R. 8647]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Revised Statutes 4426, as amended, is further amended by inserting a colon and the following before the period at the end of the third sentence: "*Provided, however,* That, until June 30, 1956, no vessel registered or licensed as a vessel of the United States of fifteen gross tons or less on December 31, 1953, shall be deemed to be subject to the inspection provisions of this section notwithstanding the fact that such vessel may thereafter be found to have a tonnage in excess of fifteen gross tons, unless such finding results from an alteration in the length, breadth, or depth affected after December 31, 1953."

Approved August 31, 1954.

46 USC 404.

Inspection of vessels.

Public Law 754

CHAPTER 1172

AN ACT

To increase the borrowing power of Commodity Credit Corporation.

August 31, 1954
[H. R. 9756]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act approved March 8, 1938 (52 Stat. 108), as amended, is amended by striking out "\$8,500,000,000" and inserting in lieu thereof "\$10,000,000,000".

SEC. 2. Section 4 (i) of the Commodity Credit Corporation Charter Act (62 Stat. 1070), as amended, is amended by striking out "\$8,500,000,000" and inserting in lieu thereof "\$10,000,000,000".

SEC. 3. (a) Section 8e of the Agricultural Adjustment Act (of 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by inserting after "avocados" a comma and the word "mangoes".

(b) The amendment made by this section shall become effective upon the enactment of this Act or upon the enactment of the Agricultural Act of 1954, whichever occurs later.

Approved August 31, 1954.

Commodity Credit Corporation. Borrowing power. 15 USC 713a-4. Ante, p. 30.

15 USC 714b(i).

Importation of mangoes.

Ante, p. 907.

Public Law 755

CHAPTER 1173

AN ACT

August 31, 1954
[H. R. 8915]

To amend the Act entitled "An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia,' to create 'The Municipal Court of Appeals for the District of Columbia', and for other purposes."

District of Co-
lumbia.
Municipal Court
of Appeals.

Administrative
agency orders or
decisions.
Review.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia', to create 'The Municipal Court of Appeals for the District of Columbia', and for other purposes," approved April 1, 1942 (ch. 207, 56 Stat. 190; sec. 11-772, D. C. Code, 1951 edition), be, and it is hereby amended by adding to section 7 of said Act the following new paragraphs:

"(e) The Municipal Court of Appeals for the District of Columbia is hereby vested with exclusive jurisdiction to review, in the manner hereinafter provided, the following orders or decisions of administrative agencies of the District of Columbia—

"(1) any decision of the Board of Pharmacy refusing to renew a license to practice pharmacy or refusing to renew a permit to deal in poisons for use in the arts or as insecticides under the provisions of the Act of May 7, 1906 (ch. 2084, 34 Stat. 177), as amended (sec. 2-606, D. C. Code, 1951 edition);

"(2) any decision of the Board of Examiners in Veterinary Medicine revoking or suspending a license to practice veterinary medicine or any branch thereof under the provisions of the Act of February 1, 1907 (ch. 442, 34 Stat. 873; sec. 2-810, D. C. Code, 1951 edition);

"(3) any order of the Commissioners of the District of Columbia or their agent or a decision of the Commissioners denying, revoking, or suspending a motor-vehicle operator's permit under the provisions of the Act of March 3, 1925 (ch. 443, 43 Stat. 1121), as amended (sec. 40-302, D. C. Code, 1951 edition);

"(4) any decision of the Board of Examiners and Registrars of Architects annulling or revoking a certificate to practice architecture under the provisions of the Act of December 13, 1924 (ch. 9, 43 Stat. 717), as amended (sec. 2-1028, D. C. Code, 1951 edition);

"(5) any order of the Commissioners of the District of Columbia denying, revoking or suspending a license for a private employment agency under the provisions of the Act of July 1, 1932 (ch. 366, 47 Stat. 559; sec. 47-2101, D. C. Code, 1951 edition);

"(6) any decision of the Commission on Licensure to Practice the Healing Art in the District of Columbia denying a license or a registration to practice the healing art under the provisions of the Act of February 27, 1929 (ch. 352, 45 Stat. 1338; sec. 2-129, D. C. Code, 1951 edition);

"(7) any decision of the Nurses' Examining Board denying registration or reregistration of a nurse or school of nursing under the provisions of the Act of March 2, 1929 (ch. 540, 45 Stat. 1521; sec. 2-406, D. C. Code, 1951 edition);

"(8) any decision of the Board of Barber Examiners refusing to issue, renew, restore, or revoking a certificate of registration as a registered barber or barber apprentice under the provisions of the Act of June 7, 1938 (ch. 322, 52 Stat. 622; sec. 2-1110, D. C. Code, 1951 edition); and

"(9) any final decision of the Real Estate Commission of the District of Columbia denying an application for license or suspending or revoking a license under the provisions of the Act of August 25, 1937 (ch. 760, 50 Stat. 788; secs. 45-1403 to 1418, D. C. Code, 1951 edition).

"(f) Any person aggrieved by any such decision or order may obtain a review thereof by filing in the Municipal Court of Appeals a written petition for review praying that the decision or order be set aside. The court may by rule prescribe the form and contents of the petition and regulate generally all matters relating to proceedings on such appeals. The petition for review shall be filed in said court within such time as said court may by rule prescribe and a copy of such petition shall forthwith be served by mail by the clerk of the court upon the agency affected thereby. Within such time as may be fixed by rule of the court such agency shall certify and file in the court the original papers comprising the record or any supplementary record or in the discretion of the agency, certified copies of such papers, and the clerk of the court shall immediately notify the petitioner of the filing thereof. Upon the filing of the petition for review, the court shall have jurisdiction of the proceeding and shall have power to affirm, modify, or set aside the decision or order complained of, in whole or in part, and, if need be, to remand the case for further proceedings, as justice may require: *Provided, however,* That no application for review or pendency of an appeal shall operate as a stay of the operation of any such decision or order in any case where, under existing law, a stay may not be granted, nor shall such application operate as a stay in any other case unless so ordered by the Commissioners of the District of Columbia or by said court for good cause shown; and for good cause shown and upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the court is authorized to take appropriate and necessary action to preserve the status or rights pending conclusion of the review proceedings; that all appeals shall be heard and determined upon the record of proceedings before the appropriate board or agency to be certified to this court in accordance with such rules or instructions as the court may from time to time prescribe, and the review of all decisions or orders by said court shall be limited to such issues of law or fact as are subject to review on appeal under the applicable provisions of existing law, or, if there be no statutory limitation, by such rules of law as define the scope and limitations of review of administrative proceedings, and which rules, by way of elaboration and not limitation, shall include the power of the court—

Petition for review.

"(1) so far as necessary to decision and where presented to decide all relevant questions of law, to interpret constitutional and statutory provisions, and to determine the meaning or applicability of the terms of any agency action; and

"(2) to hold unlawful and set aside agency action, findings and conclusions found to be (A) arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations or short of statutory right; (D) without observance of procedure required by law; (E) unsupported by substantial evidence or facts in the record of the proceedings before the court, or (F) unwarranted by the facts.

In making the foregoing determinations, due account shall be taken of the rule of prejudicial error. Any party aggrieved by any judgment of the Municipal Court of Appeals for the District of Columbia may seek a review thereof by the United States Court of Appeals for

56 Stat. 196.

the District of Columbia Circuit in accordance with the provisions of section 8 of the Act approved April 1, 1942 (sec. 11-773, D. C. Code, 1951 edition)."

Applicability.

SEC. 2. This Act shall apply only to decisions or orders of the above enumerated agencies rendered or entered on or after the effective date of this Act.

Approved August 31, 1954.

Public Law 756

CHAPTER 1174

August 31, 1954
[H. R. 9115]

AN ACT

To provide that contributions received under Public Law 485, Eightieth Congress, for the construction of a merchant marine chapel shall be invested in Government obligations pending their use for such construction.

Merchant marine
chapel funds.
Investment.
62 Stat. 172.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds accepted under Public Law 485, Eightieth Congress, as contributions to assist in defraying the cost of construction of the chapel provided for in that Act shall be invested by the Secretary of the Treasury in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States, until such funds are needed for the purpose for which they were contributed. The yield obtained from such investments shall be considered to be a part of such funds.

Approved August 31, 1954.

Public Law 757

CHAPTER 1175

August 31, 1954
[H. R. 9868]

AN ACT

To amend the Merchant Ship Sales Act of 1946 to provide for the charter of passenger ships in the domestic trade.

64 Stat. 309.
50 USC app. 1738
(f).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 (f) (1) of the Merchant Ship Sales Act, as amended, is amended by inserting before the period at the end thereof a comma and the following: "and may charter any war-built passenger vessel owned by the United States for use in the domestic trade of the United States, under the conditions prescribed for the charter of war-built cargo vessels in subsection (e) of this section".

Approved August 31, 1954.

Public Law 758

CHAPTER 1176

August 31, 1954
[H. R. 9988]

AN ACT

For the relief of the Federal Republic of Germany.

German Em-
bassy.
Appropriation.

Ante, p. 804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to enable the Federal Republic of Germany to acquire and maintain a German Embassy in the District of Columbia, there is hereby authorized to be appropriated not to exceed \$300,000.

Approved August 31, 1954.

Public Law 759

CHAPTER 1177

AN ACT

To amend section 413 (b) of the Foreign Service Act of 1946.

August 31, 1954
[H. R. 9910]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 413 (b) of the Foreign Service Act of 1946, as amended, is amended to read as follows:

"(b) A person appointed as a Foreign Service officer of classes 1 through 5, inclusive, shall receive salary at the minimum rate provided for the class to which he has been appointed, except that until March 31, 1955, not more than five hundred persons may be appointed from the classified civil service or the Foreign Service reserve or Foreign Service staff at other than the minimum rate."

Approved August 31, 1954.

Foreign Service
officer.
Salary.
60 Stat. 1003.
22 USC 868.

Public Law 760

CHAPTER 1178

AN ACT

To amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the payment of appraisers', auctioneers', and brokers' fees from the proceeds of disposal of Government surplus real property, and for other purposes.

August 31, 1954
[H. R. 10187]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204 of the Federal Property and Administrative Services Act of 1949, as amended, is amended as follows:

(a) Subsections (b), (c), (d), (e), and (f) are redesignated as subsections (c), (d), (e), (f), and (g), respectively.

(b) A new subsection (b) is added, reading as follows:

"(b) All the proceeds of such dispositions of surplus real and related personal property made by the Administrator of General Services shall be set aside in a separate fund in the Treasury. Not more than an amount to be determined quarterly by the Director of the Bureau of the Budget may be obligated from such fund by the Administrator to pay the direct expenses incurred for the dispositions of surplus property under this Act for fees of appraisers, auctioneers, and realty brokers, and for advertising and surveying. Such payments from this fund may be used either to pay such expenses directly or to reimburse the fund or appropriation initially bearing such expenses. Fees paid to appraisers, auctioneers, and brokers shall be in accordance with the scale of fees customarily paid for such services in similar commercial transactions, and in no event shall more than 12 per centum of the proceeds of all dispositions within each fiscal year of surplus real and related personal property be paid out of such proceeds under this authorization to meet direct expenses incurred in connection with such dispositions. Periodically, but not less often than once each year, any excess funds beyond current operating needs shall be transferred from the fund to miscellaneous receipts: *Provided*, That a report of receipts, disbursements, and transfers to miscellaneous receipts under this authorization shall be made annually in connection with the budget estimates to the Director of the Bureau of the Budget and to the Congress."

Approved August 31, 1954.

Surplus property
disposal.
Appraisers'
fees, etc.
63 Stat. 388.
40 USC 485.

Report.

Public Law 761

CHAPTER 1206

September 1, 1954
[H. R. 9366]

AN ACT

To amend the Social Security Act and the Internal Revenue Code so as to extend coverage under the old-age and survivors insurance program, increase the benefits payable thereunder, preserve the insurance rights of disabled individuals, and increase the amount of earnings permitted without loss of benefits, and for other purposes.

Social Security
Amendments of
1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1954".

TITLE I—AMENDMENTS TO TITLE II OF THE SOCIAL SECURITY ACT

EXTENSION OF COVERAGE

DOMESTIC SERVICE, SERVICE NOT IN COURSE OF EMPLOYER'S BUSINESS, AND AGRICULTURAL LABOR

64 Stat. 493.
42 USC 409.

SEC. 101. (a) (1) Paragraph (2) of section 209 (g) of the Social Security Act is amended to read as follows:

"(2) Cash remuneration paid by an employer in any calendar quarter to an employee for domestic service in a private home of the employer, if the cash remuneration paid in such quarter by the employer to the employee for such service is less than \$50. As used in this paragraph, the term 'domestic service in a private home of the employer' does not include service described in section 210 (f) (5);".

42 USC 410.

(2) Section 209 (g) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) Cash remuneration paid by an employer in any calendar quarter to an employee for service not in the course of the employer's trade or business, if the cash remuneration paid in such quarter by the employer to the employee for such service is less than \$50. As used in this paragraph, the term 'service not in the course of the employer's trade or business' does not include domestic service in a private home of the employer and does not include service described in section 210 (f) (5);".

(3) Section 209 (h) of such Act is amended by inserting "(1)" after "(h)" and by adding at the end thereof the following new paragraph:

"(2) Cash remuneration paid by an employer in any calendar year to an employee for agricultural labor, if the cash remuneration paid in such year by the employer to the employee for such labor is less than \$100;".

(4) Section 210 (a) (1) of such Act is amended to read as follows:

"(1) (A) Service performed in connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended;

46 Stat. 1550.
12 USC 1141j(g).

"(B) Service performed by foreign agricultural workers (i) under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended, or (ii) lawfully admitted to the United States from the Bahamas, Jamaica, and the other British West Indies on a temporary basis to perform agricultural labor;".

65 Stat. 119.
7 USC 1461-1468.

(5) Section 210 (a) of such Act is amended by striking out paragraph (3) and redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14), and any references thereto contained

in such Act, as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13), respectively.

(6) The second sentence of section 218 (c) (5) of such Act is amended by inserting before the period at the end thereof "and service the remuneration for which is excluded from wages by paragraph (2) of section 209 (h)".

42 USC 418.

Ante, p. 1052.

AMERICAN CITIZENS EMPLOYED BY AMERICAN EMPLOYERS ON FOREIGN-FLAG
VESSELS

(b) The paragraph of section 210 (a) of the Social Security Act herein redesignated as paragraph (4) is amended by striking out "if the individual is employed on and in connection with such vessel or aircraft when outside the United States" and inserting in lieu thereof: "if (A) the individual is employed on and in connection with such vessel or aircraft when outside the United States and (B) (i) such individual is not a citizen of the United States or (ii) the employer is not an American employer".

Supra.

CERTAIN FEDERAL EMPLOYEES

(c) (1) Subparagraph (B) of the paragraph of section 210 (a) of the Social Security Act herein redesignated as paragraph (6) is amended—

Supra.

(A) by inserting "by an individual" after "Service performed", and by inserting "and if such service is covered by a retirement system established by such instrumentality;" after "December 31, 1950,";

(B) by striking out "or" at the end of clause (iii), by adding "or" at the end of clause (iv), and by adding at the end of the subparagraph the following new clause:

"(v) service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of the Treasury, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard;"

(2) Subparagraph (C) of such paragraph is amended to read as follows:

"(C) Service performed in the employ of the United States or in the employ of any instrumentality of the United States, if such service is performed—

"(i) as the President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner of or to the Congress;

"(ii) in the legislative branch;

"(iii) in a penal institution of the United States by an inmate thereof;

"(iv) by any individual as an employee included under section 2 of the Act of August 4, 1947 (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government; 5 U. S. C., sec. 1052);

61 Stat. 727.

"(v) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency; or

"(vi) by any individual to whom the Civil Service Retirement Act of 1930 does not apply because such individual is subject to another retirement system;"

46 Stat. 468.
5 USC 691 note.

42 USC 405.

(3) Section 205 (p) (3) of such Act is amended by adding at the end thereof the following new sentence: "The provisions of paragraphs (1) and (2) shall be applicable also in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of the Treasury, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard; and for purposes of paragraphs (1) and (2) the Secretary of the Treasury shall be deemed to be the head of such instrumentality."

MINISTERS AND CHRISTIAN SCIENCE PRACTITIONERS

42 USC 411.

(d) (1) Paragraph (2) of subsection (c) of section 211 of the Social Security Act is amended by inserting "and other than service described in paragraph (4) of this subsection" after "eighteen".

(2) Such subsection is further amended by adding at the end thereof the following new sentences: "The provisions of paragraph (4) shall not apply to service (other than service performed by a member of a religious order who has taken a vow of poverty as a member of such order) performed by an individual during the period for which a certificate filed by such individual under section 1402 (e) of the Internal Revenue Code of 1954 is in effect. The provisions of paragraph (5) shall not apply to service performed by an individual in the exercise of his profession as a Christian Science practitioner during the period for which a certificate filed by him under section 1402 (e) of the Internal Revenue Code of 1954 is in effect."

Post, p. 1088.*Post*, p. 1055.*Post*, p. 1055.

(3) Section 211 (a) of the Social Security Act is amended—

(A) by striking out the period at the end of paragraph (6) (as renumbered by subsection (g) (1) of this section) and inserting in lieu thereof a semicolon, and

(B) by inserting after such paragraph (6) thereof a new paragraph as follows:

"(7) An individual who is—

"(A) a duly ordained, commissioned, or licensed minister of a church or a member of a religious order; and

"(B) a citizen of the United States performing service described in subsection (c) (4) as an employee of an American employer (as defined in section 210 (e))

42 USC 410.

shall compute his net earnings from self-employment derived from the performance of service described in subsection (c) (4) without regard to section 911 (relating to earned income from sources without the United States) and section 931 (relating to income from sources within possessions of the United States) of the Internal Revenue Code of 1954."

68 A Stat. 289,
291.

FISHING AND RELATED SERVICE

42 USC 410.

(e) Section 210 (a) of the Social Security Act is further amended by striking out paragraph (15) and redesignating paragraphs (16) and (17), and any references thereto contained in such Act, as paragraphs (14) and (15), respectively.

HOMEWORKERS

42 USC 410.

(f) Subparagraph (C) of section 210 (k) (3) of the Social Security Act is amended by striking out "if the performance of such services is subject to licensing requirements under the laws of the State in which such services are performed".

FARMERS AND PROFESSIONAL SELF-EMPLOYED

(g) (1) Subsection (a) of section 211 of the Social Security Act is amended by striking out paragraph (2) and redesignating paragraphs (3), (4), (5), (6), and (7), and any references thereto contained in such Act, as paragraphs (2), (3), (4), (5), and (6), respectively, and by adding at the end of such subsection the following new sentence: "In the case of any trade or business which is carried on by an individual who reports his income on a cash receipts and disbursements basis, and in which, if it were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 210 (f), (i) if the gross income derived from such trade or business by such individual is not more than \$1,800, the net earnings from self-employment derived by him therefrom may, at his option, be deemed to be 50 per centum of such gross income in lieu of his net earnings from self-employment from such trade or business computed as provided under the preceding provisions of this subsection, or (ii) if the gross income derived from such trade or business by such individual is more than \$1,800 and the net earnings from self-employment derived by him therefrom, as computed under the preceding provisions of this subsection, are less than \$900, such net earnings may instead, at the option of such individual, be deemed to be \$900. For the purpose of the preceding sentence, gross income derived from such trade or business shall mean the gross receipts from such trade or business reduced by the cost or other basis of property which was purchased and sold in carrying on such trade or business, adjusted (after such reduction) in accordance with the preceding provisions of this subsection."

42 USC 411.

42 USC 410.

(2) Paragraph (1) of such section 211 (a) is amended to read as follows:

"(1) There shall be excluded rentals from real estate and from personal property leased with the real estate (including such rentals paid in crop shares), together with the deductions attributable thereto, unless such rentals are received in the course of a trade or business as a real estate dealer;"

(3) The paragraph of such section 211 (a) herein redesignated as paragraph (3) is amended by striking out "cutting or disposal of timber" and inserting in lieu thereof "cutting of timber, or the disposal of timber or coal."

Post, p. 1061.

(4) Section 211 (c) (5) of such Act is amended to read as follows:

"(5) The performance of service by an individual in the exercise of his profession as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, or Christian Science practitioner; or the performance of such service by a partnership."

EMPLOYEES COVERED BY STATE OR LOCAL RETIREMENT SYSTEMS

(h) (1) (A) Section 218 (d) of such Act is amended by striking out "Exclusion of" in the heading, by inserting "(1)" after "(d)", and by adding at the end thereof the following sentence: "The preceding sentence shall not be applicable to any service performed by an employee as a member of any coverage group in a position (other than a position excluded by paragraph (5) (A)) covered by a retirement system on the date an agreement is made applicable to such coverage group if, on such date (or, if later, the date on which such individual first occupies such position), such individual is ineligible to be a member of such system."

42 USC 418.

Post, p. 1057.

(B) Such section 218 (d) is amended by striking out "on the date such agreement is made applicable to such coverage group" and insert-

ing in lieu thereof "either (A) on the date such agreement is made applicable to such coverage group, or (B) on the date of enactment of the succeeding paragraph of this subsection (except in the case of positions which are, by reason of action by such State or political subdivision thereof, as may be appropriate, taken prior to the date of enactment of such succeeding paragraph, no longer covered by a retirement system on the date referred to in clause (A), and except in the case of positions excluded by paragraph (5) (A))".

Post, p. 1057.
42 USC 418.

(2) Such section 218 (d) is further amended by adding at the end thereof the following new paragraphs:

"(2) It is hereby declared to be the policy of the Congress in enacting the succeeding paragraphs of this subsection that the protection afforded employees in positions covered by a retirement system on the date an agreement under this section is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof.

Applicability of
agreement with
State.

"(3) Notwithstanding paragraph (1), an agreement with a State may be made applicable (either in the original agreement or by any modification thereof) to service performed by employees in positions covered by a retirement system (including positions specified in paragraph (4) but not including positions excluded by or pursuant to paragraph (5)), if the governor of the State certifies to the Secretary of Health, Education, and Welfare that the following conditions have been met:

"(A) A referendum by secret written ballot was held on the question of whether service in positions covered by such retirement system should be excluded from or included under an agreement under this section;

"(B) An opportunity to vote in such referendum was given (and was limited) to eligible employees;

"(C) Not less than ninety days' notice of such referendum was given to all such employees;

"(D) Such referendum was conducted under the supervision of the governor or an agency or individual designated by him; and

"(E) A majority of the eligible employees voted in favor of including service in such positions under an agreement under this section.

"Eligible employee."

An employee shall be deemed an 'eligible employee' for purposes of any referendum with respect to any retirement system if, at the time such referendum was held, he was in a position covered by such retirement system and was a member of such system, and if he was in such a position at the time notice of such referendum was given as required by clause (C) of the preceding sentence; except that he shall not be deemed an 'eligible employee' if, at the time the referendum was held, he was in a position to which the State agreement already applied, or if he was in a position excluded by or pursuant to paragraph (5). No referendum with respect to a retirement system shall be valid for purposes of this paragraph unless held within the two-year period which ends on the date of execution of the agreement or modification which extends the insurance system established by this title to such retirement system, nor shall any referendum with respect to a retirement system be valid for purposes of this paragraph if held less than one year after the last previous referendum held with respect to such retirement system.

"(4) For the purposes of subsection (c) of this section, the following employees shall be deemed to be a separate coverage group—

Separate cover-
age group.

"(A) all employees in positions which were covered by the same retirement system on the date the agreement was made applicable to such system (other than employees to whose services the agreement already applied on such date);

"(B) all employees in positions which became covered by such system at any time after such date; and

"(C) all employees in positions which were covered by such system at any time before such date and to whose services the insurance system established by this title has not been extended before such date because the positions were covered by such retirement system (including employees to whose services the agreement was not applicable on such date because such services were excluded pursuant to subsection (c) (3) (C)).

"(5) (A) Nothing in paragraph (3) of this subsection shall authorize the extension of the insurance system established by this title to service in any policeman's or fireman's position.

Infra.
Policemen and
firemen.

Ante, p. 1056.

"(B) At the request of the State, any class or classes of positions covered by a retirement system which may be excluded from the agreement pursuant to paragraph (3) or (5) of subsection (c), and to which the agreement does not already apply, may be excluded from the agreement at the time it is made applicable to such retirement system; except that, notwithstanding the provisions of paragraph (3) (C) of such subsection, such exclusion may not include any services to which such paragraph (3) (C) is applicable. In the case of any such exclusion, each such class so excluded shall, for purposes of this subsection, constitute a separate retirement system in case of any modification of the agreement thereafter agreed to.

Infra; *ante*, p.
1053.

Infra.

"(6) If a retirement system covers positions of employees of the State and positions of employees of one or more political subdivisions of the State, or covers positions of employees of two or more political subdivisions of the State, then, for purposes of the preceding paragraphs of this subsection, there shall, if the State so desires, be deemed to be a separate retirement system with respect to any one or more of the political subdivisions concerned and, where the retirement system covers positions of employees of the State, a separate retirement system with respect to the State or with respect to the State and any one or more of the political subdivisions concerned. If a retirement system covers positions of employees of one or more institutions of higher learning, then, for purposes of such preceding paragraphs, there shall, if the State so desires, be deemed to be a separate retirement system for the employees of each such institution of higher learning. For the purposes of this paragraph, the term 'institutions of higher learning' includes junior colleges and teachers' colleges."

"Institutions of
higher learning."

(3) Paragraph (3) of section 218 (c) is amended to read as follows:

"(3) Such agreement shall, if the State requests it, exclude (in the case of any coverage group) any one or more of the following:

Exclusions.

"(A) Any service of an emergency nature;

"(B) All services in any class or classes of (i) elective positions, (ii) part-time positions, or (iii) positions the compensation for which is on a fee basis;

"(C) All services performed by individuals as members of a coverage group in positions covered by a retirement system on the date such agreement is made applicable to such coverage group, but only in the case of individuals who, on such date (or, if later, the date on which they first occupy such positions), are not eligible to become members of such system and whose services

in such positions have not already been included under such agreement pursuant to subsection (d) (3).”

Ante, p. 1056.
42 USC 418.

Ante, p. 1057.

Ante, p. 1056.

(4) Paragraph (4) of such section 218 (c) is amended by adding at the end thereof the following new sentence: “A modification of an agreement pursuant to clause (B) of the preceding sentence may apply to individuals to whom paragraph (3) (C) is applicable (whether or not the previous exclusion of the service of such individuals was pursuant to such paragraph), but only if such individuals are, on the effective date specified in such modification, ineligible to be members of any retirement system or if the modification with respect to such individuals is pursuant to subsection (d) (3).”

(5) Such section 218 (c) is further amended by adding at the end thereof the following new paragraph:

Ante, p. 1057.

“(7) No agreement may be made applicable (either in the original agreement or by any modification thereof) to service performed by any individual to whom paragraph (3) (C) is applicable unless such agreement provides (in the case of each coverage group involved) either that the service of any individual to whom such paragraph is applicable and who is a member of such coverage group shall continue to be covered by such agreement in case he thereafter becomes eligible to be a member of a retirement system, or that such service shall cease to be so covered when he becomes eligible to be a member of such a system (but only if the agreement is not already applicable to such system pursuant to subsection (d) (3)), whichever may be desired by the State.”

Ante, p. 1056.

(6) Section 218 (f) of such Act is amended to read as follows:

“(f) Any agreement or modification of an agreement under this section shall be effective with respect to services performed after an effective date specified in such agreement or modification; except that—

“(1) in the case of an agreement or modification agreed to prior to 1954, such date may not be earlier than December 31, 1950;

“(2) in the case of an agreement or modification agreed to after 1954 but prior to 1958, such date may not be earlier than December 31, 1954; and

“(3) in the case of an agreement or modification agreed to during 1954 or after 1957, such date may not be earlier than the last day of the calendar year preceding the year in which such agreement or modification, as the case may be, is agreed to by the Secretary of Health, Education, and Welfare and the State.”

(7) Section 218 (m) (1) of such Act is amended by striking out “subsection (d)” and inserting in lieu thereof “paragraph (1) of subsection (d)”.

(8) Section 218 of such Act is further amended by adding at the end thereof the following new subsection:

“Certain Positions No Longer Covered By Retirement Systems

Ante, p. 1056.

Supra.

“(n) Notwithstanding subsection (d), an agreement with any State entered into under this section prior to the date of the enactment of this subsection may, prior to January 1, 1958, be modified pursuant to subsection (c) (4) so as to apply to services performed by employees, as members of any coverage group to which such agreement already applies (and to which such agreement applied on such date of enactment), in positions (1) to which such agreement does not already apply, (2) which were covered by a retirement system on the date such agreement was made applicable to such coverage group, and (3) which, by reason of action by such State or political subdivision thereof, as may be appropriate, taken prior to the date of the enactment of this

subsection, are no longer covered by a retirement system on the date such agreement is made applicable to such services."

(9) The amendments made by this subsection, other than paragraph (1) (B), shall take effect January 1, 1955.

Effective date.

CIVILIAN EMPLOYEES OF STATE NATIONAL GUARD UNITS
AND CERTAIN STATE INSPECTORS

(i) (1) Effective as of January 1, 1951, paragraph (5) of section 218 (b) of the Social Security Act is amended by adding at the end thereof the following new sentence: "Civilian employees of National Guard units of a State who are employed pursuant to section 90 of the National Defense Act of June 3, 1916 (32 U. S. C., sec. 42), and paid from funds allotted to such units by the Department of Defense, shall for purposes of this section be deemed to be employees of the State and (notwithstanding the preceding provisions of this paragraph), shall be deemed to be a separate coverage group."

42 USC 418.

39 Stat. 205.

(2) Effective January 1, 1955, such paragraph is further amended by adding after the sentence added by paragraph (1) of this subsection the following new sentence: "For purposes of this section, individuals employed pursuant to an agreement, entered into pursuant to section 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1624) or section 14 of the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499n), between a State and the United States Department of Agriculture to perform services as inspectors of agricultural products may be deemed, at the option of the State, to be employees of the State and (notwithstanding the preceding provisions of this paragraph) shall be deemed to be a separate coverage group."

60 Stat. 1090.

46 Stat. 537.

(3) In the case of any coverage group to which the amendment made by paragraph (1) is applicable, any agreement or modification of an agreement agreed to prior to January 1, 1956, may, notwithstanding section 218 (f) of the Social Security Act, be made effective with respect to services performed by employees as members of such coverage group after any effective date specified therein, but in no case may such effective date be earlier than December 31, 1950.

Ante, p. 1058.

CERTAIN EMPLOYEES OF THE STATE OF UTAH

(j) Effective as of January 1, 1951, section 218 of the Social Security Act is amended by adding after subsection (n) (added by subsection (h) (8) of this section) the following new subsection:

42 USC 418.

Ante, p. 1058.

"Certain Employees of the State of Utah

"(o) Notwithstanding the provisions of subsection (d), the agreement with the State of Utah entered into pursuant to this section may be modified pursuant to subsection (c) (4) so as to apply to services performed for any of the following, the employees performing services for each of which shall constitute a separate coverage group: Weber Junior College, Carbon Junior College, Dixie Junior College, Central Utah Vocational School, Salt Lake Area Vocational School, Center for the Adult Blind, Union High School (Roosevelt, Utah), Utah High School Activities Association, State Industrial School, State Training School, State Board of Education, and Utah School Employees Retirement Board. Any modification agreed to prior to January 1, 1955, may be made effective with respect to services performed by employees as members of any of such coverage groups after an effective date specified therein, except that in no case may any such date be earlier than December 31, 1950."

Ante, pp. 1055, 1056.

Ante, p. 1058.

ARIZONA TEACHERS' RETIREMENT SYSTEM

(k) If, prior to January 1, 1956, the agreement with the State of Arizona entered into pursuant to section 218 of the Social Security Act is modified pursuant to subsection (d) (3) of such section so as to apply to service performed by employees in positions covered by the Arizona Teachers' Retirement System the modification may, notwithstanding section 218 (f) of the Social Security Act, be made effective with respect to service performed in such positions after an effective date specified in the modification, but in no case may such effective date be earlier than December 31, 1950. For the purposes of any such modification, all employees in positions covered by the Arizona Teachers' Retirement System shall be deemed, notwithstanding the provisions of section 218 (d) (6) of such Act, to constitute a separate coverage group.

Ante, p. 1056.

Ante, p. 1058.

Ante, p. 1057.

PRESUMED WORK DEDUCTIONS IN CASE OF CERTAIN RETROACTIVE STATE AGREEMENTS

(l) (1) In the case of any services performed prior to 1955 to which an agreement under section 218 of the Social Security Act was made applicable, deductions which—

42 USC 418;
ante, pp. 1053,
1055-1059.
Post, pp. 1070,
1073-1078.
42 USC 403.

(A) were not imposed under section 203 of such Act with respect to such services performed prior to the date the agreement was agreed to or, if the original agreement was not applicable to such services, performed prior to the date the modification making such agreement applicable to such services was agreed to, and

(B) would have been imposed under such section 203 had such agreement, or modification, as the case may be, been agreed to on the date it became effective,

Post, pp. 1066,
1068.

42 USC 402.
Post, pp. 1073,
1079, 1083, 1085.

shall be deemed to have been imposed, but only for purposes of section 215 (f) (2) (A) or section 215 (f) (4) (A) of such Act as in effect prior to the enactment of this Act. An individual with respect to whose services the preceding sentence is applicable, or in the case of his death, his survivors entitled to monthly benefits under section 202 of the Social Security Act on the basis of his wages and self-employment income, shall be entitled to a recomputation of his primary insurance amount under such section 215 (f) (2) (A) or section 215 (f) (4) (A), as the case may be, if the conditions specified therein are met and if, with respect to a recomputation under such section 215 (f) (2) (A), such individual files the application referred to in such section after August 1954 and prior to January 1956 or, with respect to a recomputation under such section 215 (f) (4) (A), such individual died prior to January 1956 and any of such survivors entitled to monthly benefits files an application, in addition to the application filed for such monthly benefits, for a recomputation under such section 215 (f) (4) (A).

Post, p. 1062.

Post, p. 1065.

(2) For purposes of a recomputation made by reason of paragraph (1) of this subsection, the primary insurance amount of the individual who performed the services referred to in such paragraph shall be computed under subsection (a) (2) of section 215 of the Social Security Act, as amended by this Act (but, for such purposes, without application of subsection (d) (4) of such section, as in effect prior to the enactment of this Act or as amended by this Act) and as though he became entitled to old-age insurance benefits in whichever of the following months yields the highest primary insurance amount:

(A) the month following the last month for which deductions are deemed, pursuant to paragraph (1) of this subsection, to have been made; or

(B) the first month after the month determined under subparagraph (A) (and prior to September 1954) in which his benefits under section 202 (a) of the Social Security Act were no longer subject to deductions under section 203 (b) of such Act; or

42 U.S.C. 202;
post, pp. 1073,
1078.

(C) the first month after the last month (and prior to September 1954) in which his benefits under section 202 (a) of the Social Security Act were subject to deductions under section 203 (b) of such Act; or

(D) the month in which such individual filed his application for recomputation referred to in paragraph (1) of this subsection or, if he died without filing such application and prior to January 1, 1956, the month in which he died, and in any such case (but, if the individual is deceased, only if death occurred after August 1954) the amendments made by subsections (b) (1), (e) (1) and (e) (3) (B) of section 102 of this Act shall be applicable.

Post, pp. 1062,
1065, 1067.

Such recomputation shall be effective for and after the month in which the application required by paragraph (1) of this subsection is filed. The provisions of this subsection shall not be applicable in the case of any individual if his primary insurance amount has been recomputed under section 215 (f) (2) of the Social Security Act on the basis of an application filed prior to September 1954.

Post, p. 1066.

(3) If any recomputation under section 215 (f) of the Social Security Act is made by reason of deductions deemed pursuant to paragraph (1) of this subsection to have been imposed with respect to benefits based on the wages and self-employment income of any individual, the total of the benefits based on such wages and self-employment income for months for which such deductions are so deemed to have been imposed shall be recovered by making, in addition to any other deductions under section 203 of such Act, deductions from any increase in benefits, based on such wages and self-employment income, resulting from such recomputation.

42 USC 415.

Post, p. 1066
et seq.

42 U.S.C. 203;
post, pp. 1070,
1073-1078.

SERVICE BY AMERICAN CITIZENS FOR FOREIGN SUBSIDIARY OF DOMESTIC CORPORATION

(m) Clause (B) of so much of section 210 (a) of the Social Security Act as precedes paragraph (1) thereof is amended to read as follows: "(B) outside the United States by a citizen of the United States as an employee (i) of an American employer (as defined in subsection (e)), or (ii) of a foreign subsidiary (as defined in section 3121 (1) of the Internal Revenue Code of 1954) of a domestic corporation (as determined in accordance with section 7701 of the Internal Revenue Code of 1954) during any period for which there is in effect an agreement, entered into pursuant to section 3121 (1) of the Internal Revenue Code of 1954, with respect to such subsidiary;"

42 USC 410.

Post, p. 1094.

68A Stat. 911.

EFFECTIVE DATES

(n) The amendment made by paragraph (3) of subsection (g) shall be applicable only with respect to taxable years beginning after 1950. The amendments made by paragraphs (1), (2), and (4) of such subsection and by subsection (d) shall, except for purposes of section 203 of the Social Security Act, be applicable only with respect to

Ante, p. 1055.

Ante, p. 1054.
42 USC 203; post,
pp. 1070, 1073-
1078.

Ante, p. 1052.*Ante*, p. 1054.

taxable years ending after 1954. The amendments made by paragraphs (1), (2), and (3) of subsection (a) shall be applicable only with respect to remuneration paid after 1954. The amendments made by paragraphs (4), (5), and (6) of subsection (a) shall be applicable only with respect to services (whether performed after 1954 or prior to 1955) for which the remuneration is paid after 1954. The amendment made by paragraph (3) of subsection (c) shall become effective January 1, 1955. The other amendments made by this section (other than the amendments made by subsections (h), (i), (j) and (m) shall be applicable only with respect to services performed after 1954. For purposes of section 203 of the Social Security Act, the amendments made by paragraphs (1), (2), and (4) of subsection (g) and by subsection (d) shall be effective with respect to net earnings from self-employment derived after 1954. The amount of net earnings from self-employment derived during any taxable year ending in, and not with the close of, 1955 shall be credited equally to the calendar quarter in which such taxable year ends and to each of the three or fewer preceding quarters any part of which is in such taxable year; and, for purposes of the preceding sentence of this subsection, net earnings from self-employment so credited to calendar quarters in 1955 shall be deemed to have been derived after 1954.

INCREASE IN BENEFIT AMOUNTS

42 USC 415.

SEC. 102. (a) Subsection (a) of section 215 of the Social Security Act is amended to read as follows:

"PRIMARY INSURANCE AMOUNT

42 USC 402.

"(a) (1) The primary insurance amount of any individual (i) who does not become eligible for benefits under section 202 (a) until after August 1954, or who dies after such month and without becoming eligible for benefits under such section 202 (a), and (ii) with respect to whom not less than six of the quarters elapsing after 1950 are quarters of coverage, and the primary insurance amount of any individual with respect to whom not less than six of the quarters elapsing after June 30, 1953, are quarters of coverage, shall be whichever of the following amounts is the larger:

Post, p. 1063.

"(A) Fifty-five per centum of the first \$110 of his average monthly wage, plus 20 per centum of the next \$240; or

"(B) The amount determined under subsection (c).

An individual shall, for purposes of this paragraph, be deemed eligible for benefits under section 202 (a) for any month if he was or would have been, upon filing application therefor in such month, entitled to such benefits for such month.

Post, p. 1063.

"(2) The primary insurance amount of any other individual shall be the amount determined under subsection (c)."

(b) (1) Paragraphs (1), (2), and (3) of subsection (b) of such section are amended to read as follows:

Average monthly wage.

"(1) An individual's 'average monthly wage' shall be the quotient obtained by dividing the total of his wages and self-employment income after his starting date (determined under paragraph (2)) and prior to his closing date (determined under paragraph (3)), by the

number of months elapsing after such starting date and prior to such closing date, excluding from such elapsed months any month in any year prior to the year in which he attained the age of twenty-two if less than two quarters of such prior year were quarters of coverage, except that when the number of such elapsed months thus computed (including a computation after the application of paragraph (4)) is less than eighteen, it shall be increased to eighteen.

Infra.

“(2) An individual’s ‘starting date’ shall be—

Starting date.

“(A) December 31, 1950, or

“(B) if later, the last day of the year in which he attains the age of twenty-one, whichever results in the higher primary insurance amount.

“(3) An individual’s ‘closing date’ shall be whichever of the following results in the higher primary insurance amount:

Closing date.

“(A) the first day of the year in which he died or became entitled to old-age insurance benefits, whichever first occurred; or

“(B) the first day of the first year in which he both was fully insured and had attained retirement age;

except that if the Secretary determines, on the basis of the evidence available to him at the time of the computation of the individual’s primary insurance amount with respect to which such closing date is applicable, that it would result in a higher primary insurance amount for such individual, his closing date shall be the first day of the year following the year referred to in subparagraph (A).”

(2) Paragraph (4) of such subsection (b) is amended to read as follows:

“(4) In the case of any individual, the Secretary shall determine the four or fewer full calendar years after his starting date and prior to his closing date which, if the months of such years and his wages and self-employment income for such years were excluded in computing his average monthly wage, would produce the highest primary insurance amount. Such months and such wages and self-employment income shall be excluded for purposes of computing such individual’s average monthly wage. The maximum number of calendar years determined under the first sentence of this paragraph shall be five instead of four in the case of any individual who has not less than twenty quarters of coverage.”

(c) Subsection (c) of such section is amended to read as follows:

“Determinations Made by Use of the Conversion Table

“(c) (1) Except as provided in paragraph (2) of this subsection, the amount referred to in paragraphs (1) (B) and (2) of subsection (a) for an individual shall be either the amount appearing in column III of the following table on the line on which in column I appears his primary insurance benefit (as determined under subsection (d)), or the amount appearing in column III of the following table on the line on which in column II appears his primary insurance amount (determined as provided in subsection (d)), whichever produces the higher amount; and his average monthly wage shall, for purposes of

Ante, p. 1062.*Post*, p. 1065.

shall be the amount determined under subparagraph (A) of this paragraph for an individual whose primary insurance benefit would (under paragraph (2) of this subsection as in effect prior to the enactment of the Social Security Amendments of 1954) produce such primary insurance amount; except that, if there is no primary insurance benefit which would (under such paragraph (2)) produce such primary insurance amount or if such primary insurance amount is higher than \$77.10, the amount referred to in paragraphs (1) (B) and (2) of subsection (a) for such individual shall be the amount determined (i) by applying the formula in subsection (a) (1) to the average monthly wage from which such primary insurance amount was determined, (ii) by increasing the amount determined under clause (i), if it is not a multiple of \$0.10, to the next higher multiple of \$0.10, and (iii) by further increasing such amount to the extent, if any, it is less than \$5 greater than such primary insurance amount.

“(C) If the provisions of subparagraphs (A) and (B) of this paragraph are both applicable to an individual, the amount referred to in paragraphs (1) (B) and (2) of subsection (a) for such individual shall be the larger of the amounts determined under such subparagraphs.

Ante, p. 1062.

“(3) For the purpose of facilitating the use of the conversion table in computing any insurance benefit under section 202, the Secretary is authorized to assume that the primary insurance benefit from which such benefit under section 202 is determined is one cent or two cents more or less than its actual amount.

42 USC 402; *post*,
pp. 1073, 1079,
1083, 1085.

“(4) For purposes of section 203 (a), the average monthly wage of an individual whose primary insurance amount is determined under paragraph (2) of this subsection shall be a sum equal to the average monthly wage which would result in such primary insurance amount upon the application of the provisions of subsection (a) (1) (A) of this section and without the application of subsection (e) (2) or (g) of this section; except that, if such sum is not a multiple of \$1, it shall be rounded to the nearest multiple of \$1 (or to the next higher multiple of \$1 if it is a multiple of \$0.50).”

42 USC 403; *post*,
pp. 1070, 1073-
1078.

(d) (1) The heading of subsection (d) of such section is amended to read “Primary Insurance Benefit and Primary Insurance Amount For Purposes of Conversion Table”.

(2) So much of such subsection (d) as precedes paragraph (1) thereof is amended by inserting “and the primary insurance amounts” after “primary insurance benefits”.

(3) So much of paragraph (4) of such subsection (d) as precedes subparagraph (A) is amended by inserting “(except an individual who attained age twenty-two after 1950 and with respect to whom not less than six of the quarters elapsing after 1950 are quarters of coverage)” after “individual”.

(4) Such subsection (d) is amended by adding after paragraph (5), added by section 106 of this Act, the following new paragraph:

Post, p. 1079.

“(6) The primary insurance amount of any individual shall be computed as provided in this section as in effect prior to the enactment of this paragraph, except that the amendments made by sections 102 (b) (other than paragraph (2) thereof), 104, and 106 of the Social Security Amendments of 1954 (relating, respectively, to increase in benefit amounts, increase in earnings counted, and periods of disability) shall, to the extent provided by such sections, be applicable to such computation.”

Ante, p. 1062;
post, pp. 1078,
1079.

(e) (1) Section 215 (e) of such Act is amended by striking out “and” at the end of paragraph (1), by changing the period at the end of paragraph (2) to a semicolon, and by adding after such paragraph (2) the following new paragraph:

Post, pp. 1078,
1080.

- Ante*, p. 1063.
- Post*, p. 1067.
- Post*, p. 1079.
- Post*, pp. 1069, 1071.
- 42 USC 412.
- Ante*, p. 1063.
- Ante*, p. 1062.
- Ante*, p. 1063.
- Post*, p. 1079.
- 42 USC 402.
- Post*, pp. 1068, 1071.
- “(3) if an individual’s closing date is determined under paragraph (3) (A) of subsection (b) and he has self-employment income in a taxable year which begins prior to such closing date and ends after the last day of the month preceding the month in which he becomes entitled to old-age insurance benefits, there shall not be counted, in determining his average monthly wage, his self-employment income in such taxable year, except as provided in section 215 (f) (3) (C); and”.
- (2) Section 215 (f) (2) of such Act is amended to read as follows:
- “(2) (A) Upon application filed after 1954 by an individual entitled to old-age insurance benefits, the Secretary shall recompute his primary insurance amount if—
- “(i) he has not less than six quarters of coverage in the period after 1950 and prior to the quarter in which such application is filed,
- “(ii) he has wages and self-employment income of more than \$1,200 in a calendar year which occurs after 1953 (not taking into account any year prior to the calendar year in which the last previous recomputation, if any, of his primary insurance amount was effective) and after the year in which he became (without the application of section 202 (j) (1)) entitled to old-age insurance benefits or filed an application for recomputation (to which he is entitled) under section 102 (e) (5) (B) or 102 (f) (2) (B) of the Social Security Amendments of 1954, whichever of such events is the latest, and
- “(iii) he filed such application no earlier than six months after such calendar year referred to in clause (ii) in which he had such wages and self-employment income.
- Such recomputation shall be effective for and after the twelfth month before the month in which he filed such application for recomputation but in no event earlier than the month following such calendar year referred to in clause (ii). For the purposes of this subparagraph an individual’s self-employment income shall be allocated to calendar quarters in accordance with section 212.
- “(B) A recomputation pursuant to subparagraph (A) shall be made as provided in subsection (a) of this section and as though the individual first became entitled to old-age insurance benefits in the month in which he filed the application for such recomputation, but only if the provisions of subsection (b) (4) were not applicable to the last previous computation of his primary insurance amount. If the provisions of subsection (b) (4) were applicable to such previous computation, the recomputation under subparagraph (A) of this paragraph shall be made only as provided in subsection (a) (1) (other than subparagraph (B) thereof) and for such purposes his average monthly wage shall be determined as though he became entitled to old-age insurance benefits in the month in which he filed the application for recomputation under subparagraph (A), except that, of the provisions of paragraph (3) of subsection (b), only the provisions of subparagraph (A) thereof shall be applicable.”
- (3) (A) Section 215 (f) (3) of such Act is amended to read as follows:
- “(3) (A) Upon application by an individual—
- “(i) who became (without the application of section 202 (j) (1)) entitled to old-age insurance benefits under section 202 (a) after August 1954, or
- “(ii) whose primary insurance amount was recomputed under section 102 (e) (5) or 102 (f) (2) (B) of the Social Security Amendments of 1954, or

“(iii) whose primary insurance amount was recomputed as provided in the first sentence of paragraph (2) (B) of this subsection on the basis of an application filed after August, 1954, the Secretary shall recompute his primary insurance amount if such application is filed after the year in which he became entitled to old-age insurance benefits or in which he filed his application for the last recomputation (to which he was entitled) of his primary insurance amount under any provision of law referred to in clause (ii) or (iii) of this sentence, whichever is the later. Such recomputation under this subparagraph shall be made in the manner provided in the preceding subsections of this section for computation of his primary insurance amount, except that his closing date for purposes of subsection (b) shall be the first day of the year following the year in which he became entitled to old-age insurance benefits or in which he filed his application for the last recomputation (to which he was entitled) of his primary insurance amount under any provision of law referred to in clause (ii) or (iii) of the preceding sentence, whichever is the later. Such recomputation under this subparagraph shall be effective for and after the first month for which his last previous computation of his primary insurance amount was effective, but in no event for any month prior to the twenty-fourth month before the month in which the application for such recomputation is filed.

Re computation
of primary insur-
ance amount.

“(B) In the case of an individual who dies after August 1954—

“(i) who, at the time of death, was not entitled to old-age insurance benefits under section 202 (a), or who became entitled to old-age insurance benefits under section 202 (a) after August 1954, or whose primary insurance amount was recomputed under paragraph (2) or (4) of this subsection, or section 102 (e) (5) or section 102 (f) (2) (B) of the Social Security Amendments of 1954, on the basis of an application filed after August 1954; and

42 USC 402.

“(ii) with respect to whom the last previous computation or recomputation of his primary insurance amount was based upon a closing date determined under subparagraph (A) or (B) of subsection (b) (3) of this section,

Post, pp. 1068,
1071.

the Secretary shall recompute his primary insurance amount upon the filing of an application by a person entitled to monthly benefits or a lump-sum death payment on the basis of his wages and self-employment income. Such recomputation shall be made in the manner provided in the preceding subsections of this section for computation of such amount, except that his closing date for purposes of subsection (b) shall be the day following the year of death in case he died without becoming entitled to old-age insurance benefits, or, in case he was entitled to old-age insurance benefits, the day following the year in which was filed the application for the last previous computation of his primary insurance amount or in which the individual died, whichever first occurred. In the case of monthly benefits, such recomputation shall be effective for and after the month in which the person entitled to such monthly benefits became so entitled, but in no event for any month prior to the twenty-fourth month before the month in which the application for such recomputation is filed.”

Ante, p. 1063.

(B) Such section 215 (f) (3) is further amended by adding after subparagraph (B) (added by subparagraph (A) of this paragraph) the following new subparagraph:

“(C) If an individual’s closing date is determined under paragraph (3) (A) of subsection (b) of this section and he has self-employment income in a taxable year which begins prior to such closing date and ends after the last day of the month preceding the month in which he became entitled to old-age insurance benefits, the Secretary shall recompute his primary insurance amount after the close of such taxable year,

Ante, p. 1063.

42 USC 412. taking into account only such self-employment income in such taxable year as is, pursuant to section 212, allocated to calendar quarters prior to such closing date. Such recomputation shall be effective for and after the first month in which he became entitled to old-age insurance benefits."

Death after 1954. (4) Section 215 (f) (4) of such Act is amended to read as follows: "(4) Upon the death after 1954 of an individual entitled to old-age insurance benefits, if any person is entitled to monthly benefits, or to a lump-sum death payment, on the basis of the wages and self-employment income of such individual, the Secretary shall recompute the decedent's primary insurance amount, but only if—

Ante, p. 1066. "(A) the decedent would have been entitled to a recomputation under paragraph (2) (A) (without the application of clause (iii) thereof) if he had filed application therefor in the month in which he died; or

42 USC 405. "(B) the decedent during his lifetime was paid compensation which was treated under section 205 (o) as remuneration for employment.

42 USC 405. If the recomputation is permitted by subparagraph (A) the recomputation shall be made (if at all) as though he had filed application for a recomputation under paragraph (2) (A) in the month in which he died, except that such recomputation shall include any compensation (described in section 205 (o)) paid to him prior to the closing date which would have been applicable under such paragraph. If recomputation is permitted by subparagraph (B) the recomputation shall take into account only the wages and self-employment income which were taken into account in the last previous computation of his primary insurance amount and the compensation (described in section 205 (o)) paid to him prior to the closing date applicable to such computation. If both of the preceding sentences are applicable to an individual, only the recomputation which results in the larger primary insurance amount shall be made."

42 USC 415. (5) (A) In the case of any individual who, upon filing application therefor before September 1954, would (but for the provisions of section 215 (f) (6) of the Social Security Act) have been entitled to a recomputation under subparagraph (A) or (B) of section 215 (f) (2) of such Act as in effect prior to the enactment of this Act, the Secretary shall recompute such individual's primary insurance amount, but only if he files an application therefor or, in case he died before filing such application, an application for monthly benefits or a lump-sum death payment on the basis of his wages and self-employment income is filed. Such recomputation shall be made only as provided in subsection (a) (2) of section 215 of the Social Security Act, as amended by this Act, through the use of a primary insurance amount determined under subsection (d) (6) of such section in the same manner as for an individual to whom subsection (a) (1) of such section, as in effect prior to the enactment of this Act, is applicable; and such recomputation shall take into account only such wages and self-employment income as would be taken into account under section 215 (b) of the Social Security Act if the month in which the application for recomputation is filed, or if the individual died without filing the application for recomputation, the month in which he died, were deemed to be the month in which he became entitled to old-age insurance benefits. In the case of monthly benefits, such recomputation shall be effective for and after the month in which such application for recomputation is filed or, if the individual has died without filing the application, for and after the month in which the person filing the application for monthly survivor benefits becomes entitled to such benefits.

Ante, p. 1062.

Ante, p. 1065.

Ante, p. 1062.

(B) In the case of—

(i) any individual who is entitled to a recomputation under subparagraph (A) of section 215 (f) (2) of the Social Security Act as in effect prior to the enactment of this Act on the basis of an application filed after August 1954, or who died after such month leaving any survivors entitled to a recomputation under section 215 (f) (4) of the Social Security Act as in effect prior to the enactment of this Act on the basis of his wages and self-employment income, and whose sixth quarter of coverage after 1950 was acquired after August 1954 or with respect to whom the twelfth month referred to in such subparagraph (A) occurred after such month, and

Ante, p. 1066.

(ii) any individual who is entitled to a recomputation under section 215 (f) (2) (B) of the Social Security Act as in effect prior to the enactment of this Act on the basis of an application filed after August 1954, or who died after August 1954 leaving any survivors entitled to a recomputation under section 215 (f) (4) of the Social Security Act as in effect prior to the enactment of this Act on the basis of his wages and self-employment income, and whose sixth quarter of coverage after 1950 was acquired after August 1954 or who did not attain the age of seventy-five prior to September 1954,

Ante, p. 1068.*Ante*, p. 1066.*Ante*, p. 1068.

the recomputation of his primary insurance amount shall be made in the manner provided in section 215 of the Social Security Act, as amended by this Act, for computation of such amount, except that his closing date, for purposes of subsection (b) of such section 215, shall be determined as though he became entitled to old-age insurance benefits in the month in which he filed such application for or, if he has died, in the month in which he died. In the case of monthly benefits, such recomputation shall be effective for and after the month in which such application for recomputation is filed or, if the individual has died without filing the application, for and after the month in which the person filing the application for monthly survivors benefits becomes entitled to such benefits.

42 U.S.C. 415;
ante, pp. 1062,
1063, 1065-1068;
post, pp. 1078-
1080.

(C) An individual or, in case of his death, his survivors entitled to a lump-sum death payment or to monthly benefits under section 202 of the Social Security Act on the basis of his wages and self-employment income shall be entitled to a recomputation of his primary insurance amount under section 215 (f) (2) or section 215 (f) (4) of the Social Security Act as in effect prior to the date of enactment of this Act only if (i) he had not less than six quarters of coverage in the period after 1950 and prior to January 1, 1955, and (ii) either the twelfth month referred to in subparagraph (A) of such section 215 (f) (2) occurred prior to January 1, 1955, or he attained the age of 75 prior to 1955, and (iii) he meets the other conditions of entitlement to such a recomputation. No individual shall be entitled to a recomputation under subparagraph (A) or (B) of this paragraph if his primary insurance amount has previously been recomputed under either of such subparagraphs.

42 U.S.C. 402;
post, pp. 1073,
1079, 1083, 1085.

Ante, pp. 1066,
1068.

(6) In the case of an individual who died or became (without the application of section 202 (j) (1) of the Social Security Act) entitled to old-age insurance benefits in 1956 and with respect to whom not less than six of the quarters elapsing after 1954 and prior to the quarter following the quarter in which he died or became entitled to old-age insurance benefits, whichever first occurred, are quarters of coverage, his primary insurance amount shall be computed under section 215 (a) (1) (A) of such Act, as amended by this Act, with a starting date of December 31, 1954, and a closing date of July 1, 1956, but only if it would result in a higher primary insurance amount. For

Post, p. 1079.*Ante*, p. 1062.

Ante, p. 1067.

Ante, p. 1063.

42 USC 403.

42 USC 402;
Post, pp. 1073,
1079, 1083, 1085.

42 USC 402.

Post, p. 1079.
42 USC 415.

Applicability.

42 USC 415.

42 USC 402;
Post, pp. 1073,
1079, 1083, 1085.

42 USC 402.

Ante, p. 1066.

Ante, p. 1069.

the purposes of section 215 (f) (3) (C) of such Act, the determination of an individual's closing date under the preceding sentence shall be considered as a determination of the individual's closing date under section 215 (b) (3) (A) of such Act, and the recomputation provided for by such section 215 (f) (3) (C) shall be made using July 1, 1956, as the closing date, but only if it would result in a higher primary insurance amount. In any such computation on the basis of a July 1, 1956 closing date, the total of his wages and self-employment income after December 31, 1955, shall, if it is in excess of \$2,100, be reduced to such amount.

(7) Section 203 (a) of such Act is amended to read as follows:

"(a) Whenever the total of monthly benefits to which individuals are entitled under section 202 for a month on the basis of the wages and self-employment income of an insured individual is more than \$50 and exceeds (1) 80 per centum of his average monthly wage, or (2) one and one-half times his primary insurance amount, whichever is the greater, such total of benefits shall, after any deductions under this section, be reduced to 80 per centum of his average monthly wage or to one and one-half times his primary insurance amount, whichever is the greater, but in no case to less than \$50; except that when any of such individuals so entitled would (but for the provisions of section 202 (k) (2) (A)) be entitled to child's insurance benefits on the basis of the wages and self-employment income of one or more other insured individuals, such total of benefits, after any deductions under this section, shall not be reduced to less than 80 per centum of the sum of the average monthly wages of all such insured individuals. In any case in which the total of the benefits referred to in the preceding sentence, after reduction (if any) thereunder, is more than \$200, such total shall, notwithstanding the provisions of such sentence, be reduced to \$200. Whenever a reduction is made under this subsection, each benefit, except the old-age insurance benefit, shall be proportionately decreased."

(8) In the case of an individual who became (without the application of section 202 (j) (1)) entitled to old-age insurance benefits or died prior to September 1954, the provisions of section 215 (f) (3) as in effect prior to the enactment of this Act shall be applicable as though this Act had not been enacted.

(f) (1) The amendments made by the preceding subsections, other than subsection (b) and paragraphs (1), (2), (3), and (4) of subsection (e), shall (subject to the provisions of paragraph (2) and notwithstanding the provisions of section 215 (f) (1) of the Social Security Act) apply in the case of lump-sum death payments under section 202 of such Act with respect to deaths occurring after, and in the case of monthly benefits under such section for months after, August 1954.

(2) (A) The amendment made by subsection (b) (2) shall be applicable only in the case of monthly benefits for months after August 1954, and the lump-sum death payment in the case of death after August 1954, based on the wages and self-employment income of an individual (i) who does not become eligible for benefits under section 202 (a) of the Social Security Act until after August 1954, or (ii) who dies after August 1954, and without becoming eligible for benefits under such section 202 (a), or (iii) who is or has been entitled to have his primary insurance amount recomputed under section 215 (f) (2) of the Social Security Act, as amended by subsection (e) (2) of this section, or under subsection (e) (5) (B) of this section, or (iv) with respect to whom not less than six of the quarters elapsing after June 1953 are quarters of coverage (as defined in such Act), or (v) who files an application for a disability determination which is

accepted as an application for purposes of section 216 (i) of such Act, or (vi) who dies after August 1954, and whose survivors are (or would, but for the provisions of section 215 (f) (6) of such Act, be) entitled to a recomputation of his primary insurance amount under section 215 (f) (4) (A) of such Act, as amended by this Act. For purposes of the preceding sentence an individual shall be deemed eligible for benefits under section 202 (a) of the Social Security Act for any month if he was, or would upon filing application therefor in such month have been, entitled to such benefits for such month.

(B) In the case of any individual entitled to old-age insurance benefits under section 202 (a) of the Social Security Act who was or, upon filing application therefor, would have been entitled to such benefits for August 1954, to whom subparagraph (A) is inapplicable, and with respect to whom not less than six of the quarters elapsing after June 30, 1953, are quarters of coverage, the Secretary of Health, Education, and Welfare shall, notwithstanding the provisions of section 215 (f) (1) of the Social Security Act, recompute the primary insurance amount of such individual but only upon the filing of an application, after August 1954, by him or, if he dies without filing such an application, by any person entitled to monthly survivors benefits under section 202 of such Act on the basis of such individual's wages and self-employment income. Such recomputation shall be made in the manner provided in section 215 of the Social Security Act for computation of such individual's primary insurance amount, except that the provisions of subsection (f) of such section (other than paragraph (3) (C) thereof) shall not be applicable for purposes of such computation, and except that his closing date, for purposes of subsection (b) of such section, shall be determined as though he became entitled to old-age insurance benefits in the month in which he filed such application for recomputation or, if he died without filing such application, the month in which he died. Such recomputation shall be effective (i) if the application is filed by such individual, for and after the twelfth month before the month in which the application therefor was filed by such individual but in no case before the first month of the quarter which is such individual's sixth quarter of coverage acquired after June 30, 1953, or (ii) if such application was filed by a person entitled to monthly survivors benefits under section 202 of the Social Security Act on the basis of such individual's wages and self-employment income, for and after the first month for which such person was entitled to such survivors benefits. No such recomputation of an individual's primary insurance amount shall be effective unless it results in a higher primary insurance amount for him; nor shall any such recomputation of an individual's primary insurance amount be effective if such amount has previously been recomputed under this subsection.

(3) The amendments made by subsections (b) (1), (e) (1), and (e) (3) (B) shall be applicable only in the case of monthly benefits based on the wages and self-employment income of an individual who does not become entitled to old-age insurance benefits under section 202 (a) of the Social Security Act until after August 1954, or who dies after August 1954 without becoming entitled to such benefits, or who files an application after August 1954 and is entitled to a recomputation under paragraph (2) or (4) of section 215 (f) of the Social Security Act, as amended by this Act, or who is entitled to a recomputation under paragraph (2) (B) of this subsection, or who is entitled to a recomputation under paragraph (5) of subsection (e).

(4) The amendments made by subsection (e) (2) shall be applicable only in the case of applications for recomputation filed after 1954. The amendment made by subsection (e) (4) shall be applicable only in the case of deaths after 1954.

Post, p. 1080.

42 USC 415.

Ante, p. 1068.

42 USC 402.

42 USC 415.

42 USC 402;
Post, pp. 1073,
1079, 1083, 1085.
42 USC 415; *ante*,
pp. 1062, 1063,
1065-1068; *post*,
pp. 1078-1080.

Ante, pp. 1062,
1065.

42 USC 402.

Ante, pp. 1066,
1068.

Ante, p. 1068.

Ante, p. 1066.

Ante, p. 1068.

Ante, p. 1066.

(5) The amendments made by subparagraph (A) of subsection (e) (3) shall be applicable only in the case of applications for recomputation filed, or deaths occurring, after August 1954.

(6) No increase in any benefit by reason of the amendments made by this section (other than subsection (e)) or by reason of subparagraph (B) of paragraph (2) of this subsection shall be regarded as a recomputation for purposes of section 215 (f) of the Social Security Act.

42 USC 415;
ante, pp. 1062,
1063, 1065-1068;
post, pp. 1078-
1080.
66 Stat. 769.
42 USC 415
notes.
42 USC 401-
421.

(g) Effective September 1, 1954, section 2 (c) (2) (B) of the Social Security Act Amendments of 1952 is amended to read as follows:

"(B) The provisions of subparagraph (A) shall cease to apply to the benefit of any individual under title II of the Social Security Act for any month after August 1954."

(h) (1) Where—

Post, p. 1079.

(A) an individual was entitled (without the application of section 202 (j) (1) of the Social Security Act) to an old-age insurance benefit under title II of such Act for August 1954;

(B) one or more other persons were entitled (without the application of such section 202 (j) (1)) to monthly benefits under such title for such month on the basis of the wages and self-employment income of such individual; and

(C) the total of the benefits to which all persons are entitled under such title on the basis of such individual's wages and self-employment income for any subsequent month for which he is entitled to an old-age insurance benefit under such title, would (but for the provisions of this paragraph) be reduced by reason of the application of section 203 (a) of the Social Security Act, as amended by this Act,

Ante, p. 1070.

then the total of benefits referred to in clause (C) for such subsequent month shall be reduced to whichever of the following is the larger—

(D) the amount determined pursuant to section 203 (a) of the Social Security Act, as amended by this Act; or

(E) the amount determined pursuant to such section, as in effect prior to the enactment of this Act, for August 1954 plus the excess of (i) the amount of his old-age insurance benefit for such month computed as if the amendments made by the preceding subsections of this section had been applicable in the case of such benefit for such month over (ii) the amount of his old-age insurance benefit for such month, or

42 USC 415
notes.

(F) the amount determined pursuant to section 2 (d) (1) of the Social Security Act Amendments of 1952 for August 1954 plus the excess of (i) the amount of his old-age insurance benefit for such month computed as if the amendments made by the preceding subsections of this section had been applicable in the case of such benefit for such month over (ii) the amount of his old-age insurance benefit for such month.

(2) Where—

Post, p. 1079.
42 USC 401-
421.

(A) two or more persons were entitled (without the application of section 202 (j) (1) of the Social Security Act) to monthly benefits under title II of such Act for August 1954 on the basis of the wages and self-employment income of a deceased individual; and

(B) the total of the benefits to which all such persons are entitled on the basis of such deceased individual's wages and self-employment income for any subsequent month would (but for the provisions of this paragraph) be reduced by reason of the application of the first sentence of section 203 (a) of the Social Security Act, as amended by this Act,

Ante, p. 1070.

then, notwithstanding any other provision in title II of the Social Security Act, such deceased individual's average monthly wage shall,

for purposes of such section 203 (a), be whichever of the following is the larger:

- (C) his average monthly wage determined pursuant to section 215 of such Act, as amended by this Act; or
- (D) his average monthly wage determined under such section 215, as in effect prior to the enactment of this Act, plus \$7.
- (i) (1) Section 202 of such Act is amended by inserting after subsection (1) the following new subsection:

42 U.S.C. 415;
ante, pp. 1062,
1063, 1065-1068;
post, pp. 1078-
1080.
42 U.S.C. 402;
post, pp. 1079,
1083, 1085.

"Minimum Survivor's or Dependent's Benefit

"(m) In any case in which the benefit of any individual for any month under this section (other than subsection (a)) is, prior to reduction under subsection (k) (3), less than \$30 and no other individual is (without the application of section 202 (j) (1)) entitled to a benefit under this section for such month on the basis of the same wages and self-employment income, such benefit for such month shall, prior to reduction under such subsection (k) (3), be increased to \$30."

Post, p. 1079.

(2) The first sentence of subsection (i) of such section 202 is amended by inserting ", or an amount equal to \$255, whichever is the smaller" after "primary insurance amount".

AMENDMENTS RELATING TO DEDUCTIONS FROM BENEFITS

SEC. 103. (a) (1) Section 203 (b) of the Social Security Act is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraph:

42 U.S.C. 403;
post, p. 1078.

"(1) in which such individual is under the age of seventy-two and for which month he is charged with any earnings under the provisions of subsection (e) of this section; or".

(2) Such section 203 (b) is amended by inserting after paragraph (1) (inserted by paragraph (1) of this subsection) the following new paragraph:

"(2) in which such individual is under the age of seventy-two and on seven or more different calendar days of which he engaged in noncovered remunerative activity outside the United States; or".

(b) (1) Section 203 (c) of such Act is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraph:

Post, p. 1078.

"(1) in which the individual, on the basis of whose wages and self-employment income such benefit was payable, is under the age of seventy-two and for which month he is charged with any earnings under the provisions of subsection (e) of this section; or".

(2) Such section 203 (c) is amended by inserting after paragraph (1) (inserted by paragraph (1) of this subsection) the following new paragraph:

"(2) in which the individual referred to in paragraph (1) is under the age of seventy-two and on seven or more different calendar days of which he engaged in noncovered remunerative activity outside the United States."

(c) The second sentence of section 203 (d) of such Act is amended to read as follows: "The charging of earnings to any month shall be treated as an event occurring in such month."

(d) (1) The heading of section 203 (e) of such Act is amended to read "Months to Which Earnings Are Charged".

Post, p. 1078.

(2) Paragraphs (1) and (2) of such section 203 (e) are amended to read as follows:

"(1) If an individual's earnings for a taxable year of twelve months are not more than \$1,200, no month in such year shall be

charged with any earnings. If an individual's earnings for a taxable year of less than twelve months are not more than the product of \$100 times the number of months in such year, no month in such year shall be charged with any earnings.

"(2) If an individual's earnings for a taxable year of twelve months are in excess of \$1,200, the amount of his earnings in excess of \$1,200 shall be charged to months as follows: The first \$80 of such excess shall be charged to the last month of such taxable year, and the balance, if any, of such excess shall be charged at the rate of \$80 per month to each preceding month in such year to which such charging is not prohibited by the last sentence of this paragraph, until all of such balance has been applied. If an individual's earnings for a taxable year of less than twelve months are more than the product of \$100 times the number of months in such year, the amount of such earnings in excess of such product shall be charged to months as follows: The first \$80 of such excess shall be charged to the last month of such taxable year, and the balance, if any, shall be charged at the rate of \$80 per month to each preceding month in such year to which such charging is not prohibited by the last sentence of this paragraph, until all of such balance has been applied. Notwithstanding the preceding provisions of this paragraph, no part of the excess referred to in such provisions shall be charged to any month (A) for which the individual whose earnings are involved was not entitled to a benefit under this title, (B) in which an event described in paragraph (2), (3), (4), or (5) of subsection (b) occurred, (C) in which such individual was age seventy-two or over, or (D) in which such individual did not engage in self-employment and did not render services for wages (determined as provided in paragraph (4) of this subsection) of more than \$80."

42 USC 403; *ante*,
p. 1073; *post*, p.
1078.

(3) Paragraph (3) (B) of such section 203 (e) is amended to read as follows:

"(B) For purposes of clause (D) of paragraph (2)—

"(i) An individual will be presumed, with respect to any month, to have been engaged in self-employment in such month until it is shown to the satisfaction of the Secretary that such individual rendered no substantial services in such month with respect to any trade or business the net income or loss of which is includible in computing (as provided in paragraph (4) of this subsection) his net earnings or net loss from self-employment for any taxable year. The Secretary shall by regulations prescribe the methods and criteria for determining whether or not an individual has rendered substantial services with respect to any trade or business.

Infra.

"(ii) An individual will be presumed, with respect to any month, to have rendered services for wages (determined as provided in paragraph (4) of this subsection) of more than \$80 until it is shown to the satisfaction of the Secretary that such individual did not render such services in such month for more than such amount."

(4) Such section 203 (e) is further amended by adding at the end thereof the following new paragraphs:

"(4) (A) An individual's earnings for a taxable year shall be (i) the sum of his wages for services rendered in such year and his net earnings from self-employment for such year, minus (ii) any net loss from self-employment for such year.

"(B) In determining an individual's net earnings from self-employment and his net loss from self-employment for purposes

of subparagraph (A) of this paragraph and subparagraph (B) of paragraph (3), the provisions of section 211, other than paragraphs (1), (4), and (5) of subsection (c), shall be applicable; and any excess of income over deductions resulting from such a computation shall be his net earnings from self-employment and any excess of deductions over income so resulting shall be his net loss from self-employment.

“(C) For purposes of this subsection, an individual’s wages shall be computed without regard to the limitations as to amounts of remuneration specified in subsections (a), (g) (2), (g) (3), (h) (2), and (j) of section 209; and in making such computation services which do not constitute employment as defined in section 210, performed within the United States by the individual as an employee, shall be deemed to be employment as so defined if the remuneration for such services is not includible in computing his net earnings or net loss from self-employment.

“(5) For purposes of this subsection, wages (determined as provided in paragraph (4) (C)) which, according to reports received by the Secretary, are paid to an individual during a taxable year shall be presumed to have been paid to him for services performed in such year until it is shown to the satisfaction of the Secretary that they were paid for services performed in another taxable year. If such reports with respect to an individual show his wages for a calendar year, such individual’s taxable year shall be presumed to be a calendar year for purposes of this subsection until it is shown to the satisfaction of the Secretary that his taxable year is not a calendar year.”

(e) Section 203 (f) of such Act is amended to read as follows:

42 USC 403.

“Penalty for Failure To Report Certain Events

“(f) Any individual in receipt of benefits subject to deduction under subsection (b) or (c), (or who is in receipt of such benefits on behalf of another individual), because of the occurrence of an event specified therein (other than an event specified in subsection (b) (1) or (c) (1)), who fails to report such occurrence to the Secretary prior to the receipt and acceptance of an insurance benefit for the second month following the month in which such event occurred, shall suffer an additional deduction equal to that imposed under subsection (b) or (c), except that the first additional deduction imposed by this subsection in the case of any individual shall not exceed an amount equal to one month’s benefit even though the failure to report is with respect to more than one month.”

(f) (1) The heading of section 203 (g) of such Act is amended to read “Report of Earnings to Secretary”.

(2) The first sentence of paragraph (1) of section 203 (g) of such Act is amended to read as follows: “If an individual is entitled to any monthly insurance benefit under section 202 during any taxable year in which he has earnings or wages, as computed pursuant to paragraph (4) of subsection (e), in excess of the product of \$100 times the number of months in such year, such individual (or the individual who is in receipt of such benefit on his behalf) shall make a report to the Secretary of his earnings (or wages) for such taxable year.”

(3) The third sentence of paragraph (1) of such section 203 (g) is amended by striking out “seventy-five” and inserting in lieu thereof “seventy-two”.

42 USC 411;
ante, pp. 1054,
1055; post, p.
1078.

42 USC 409;
ante, p. 1052;
post, p. 1078.

42 USC 410;
ante, pp. 1052-
1054, 1061.

42 USC 402;
ante, p. 1073;
post, pp. 1079,
1083, 1085.
Ante, p. 1074.

(4) Paragraph (2) of such section 203 (g) is amended to read as follows:

"(2) If an individual fails to make a report required under paragraph (1), within the time prescribed therein, for any taxable year and any deduction is imposed under subsection (b) (1) by reason of his earnings for such year, he shall suffer additional deductions as follows:

"(A) if such failure is the first one with respect to which an additional deduction is imposed under this paragraph, such additional deduction shall be equal to his benefit or benefits for the last month of such year for which he was entitled to a benefit under section 202;

"(B) if such failure is the second one for which an additional deduction is imposed under this paragraph, such additional deduction shall be equal to two times his benefit or benefits for the last month of such year for which he was entitled to a benefit under section 202;

"(C) if such failure is the third or a subsequent one for which an additional deduction is imposed under this paragraph, such additional deduction shall be equal to three times his benefit or benefits for the last month of such year for which he was entitled to a benefit under section 202;

except that the number of the additional deductions required by this paragraph with respect to a failure to report earnings for a taxable year shall not exceed the number of months in such year for which such individual received and accepted insurance benefits under section 202 and for which deductions are imposed under subsection (b) (1) by reason of his earnings. In determining whether a failure to report earnings is the first or a subsequent failure for any individual, all taxable years ending prior to the imposition of the first additional deduction under this paragraph, other than the latest one of such years, shall be disregarded."

(5) Paragraph (3) of such section 203 (g) is amended by striking out "subsection (b) (2)" each time it appears and inserting in lieu thereof "subsection (b) (1)"; by striking out "net earnings from self-employment" each time it appears and inserting in lieu thereof "earnings"; by striking out "such net earnings" and inserting in lieu thereof "such earnings"; and by adding at the end of such paragraph the following new sentence: "If, after the close of a taxable year of an individual entitled to benefits under section 202 for such year, the Secretary requests such individual to furnish a report of his earnings (as computed pursuant to paragraph (4) of subsection (e)) for such taxable year or any other information with respect to such earnings which the Secretary may specify, and the individual fails to comply with such request, such failure shall in itself constitute justification for a determination that such individual's benefits are subject to deductions under subsection (b) (1) for each month in such taxable year (or only for such months thereof as the Secretary may specify) by reason of his earnings for such year."

(6) The heading of section 203 (j) of such Act is amended by striking out "Seventy-five" and inserting in lieu thereof "Seventy-two" and such section is amended by striking out "seventy-five" and inserting in lieu thereof "seventy-two".

(g) Section 203 of such Act is amended by adding at the end thereof the following new subsection:

42 USC 402;
ante, p. 1073;
post, pp. 1079,
1083, 1085.

42 USC 402;
ante, p. 1073;
post, pp. 1079,
1083, 1085.

42 USC 403;
post, p. 1078.

“Noncovered Remunerative Activity Outside the United States

“(k) An individual shall be considered to be engaged in noncovered remunerative activity outside the United States if he performs services outside the United States as an employee and such services do not constitute employment as defined in section 210, or if he carries on a trade or business outside the United States (other than the performance of service as an employee) the net income or loss of which (1) is not includible in computing his net earnings from self-employment for a taxable year and (2) would not be excluded from net earnings from self-employment, if carried on in the United States, by any of the numbered paragraphs of section 211 (a). When used in the preceding sentence with respect to a trade or business (other than the performance of service as an employee), the term ‘United States’ does not include Puerto Rico or the Virgin Islands in the case of an alien who is not a resident of the United States (including Puerto Rico and the Virgin Islands); and the term ‘trade or business’ shall have the same meaning as when used in section 162 of the Internal Revenue Code of 1954.”

42 USC 410;
ante, pp. 1052-
1054, 1061.

42 USC 411;
ante, pp. 1053,
1054.

68A Stat. 45.

(h) Section 203 of such Act is further amended by adding after subsection (k) (added by subsection (g) of this section) the following new subsection:

“Good Cause for Failure To Make Reports Required

“(1) The failure of an individual to make any report required by subsection (f) or (g) within the time prescribed therein shall not be regarded as such a failure if it is shown to the satisfaction of the Secretary that he had good cause for failing to make such report within such time. The determination of what constitutes good cause for purposes of this subsection shall be made in accordance with regulations of the Secretary.”

Ante, pp. 1075,
1076.

(i) (1) The amendments made by subsection (f) and by paragraph (1) of subsection (a) of this section shall be applicable in the case of monthly benefits under title II of the Social Security Act for months in any taxable year (of the individual entitled to such benefits) beginning after December 1954. The amendments made by paragraph (1) of subsection (b) of this section shall be applicable in the case of monthly benefits under such title II for months in any taxable year (of the individual on the basis of whose wages and self-employment income such benefits are payable) beginning after December 1954. The amendments made by subsections (e) and (g), and by paragraph (2) of subsection (a) and paragraph (2) of subsection (b), shall be applicable in the case of monthly benefits under such title II for months after December 1954. The remaining amendments made by this section (other than subsection (h)) shall be applicable, insofar as they are related to the monthly benefits of an individual which are based on his wages and self-employment income, in the case of monthly benefits under such title II for months in any taxable year (of such individual) beginning after December 1954 and, insofar as they are related to the monthly benefits of an individual which are based on the wages and self-employment income of someone else, in the case of monthly benefits under such title II for months in any taxable year (of the individual on whose wages and self-employment income such benefits are based) beginning after December 1954.

Ante, p. 1070.
42 USC 401-421.

Ante, p. 1073.

(2) No deduction shall be imposed on or after the date of the enactment of this Act under subsection (f) or (g) of section 203 of the Social Security Act, as in effect prior to such date, on account of failure to file a report of an event described in subsection (b) (1), (b) (2), or (c) (1) of such section (as in effect prior to such date);

Ante, pp. 1075,
1076.

Ante, p. 1073;
post, p. 1078.

and no such deduction imposed prior to such date shall be collected after such date. In determining whether, under section 203 (g) (2) of the Social Security Act, as amended by this Act, a failure to file a report is a first or subsequent failure, any failure with respect to a taxable year which began prior to January 1955 shall be disregarded.

Ante, p. 1076.

42 USC 403;
ante, pp. 1073,
1074, 1076.

(3) Subsections (b) (1), (b) (2), (c), (e), and (j) of section 203 of the Social Security Act as in effect prior to the enactment of this Act, to the extent they are in effect with respect to months after 1954, are each amended by striking out "seventy-five" and inserting in lieu thereof "seventy-two", but only with respect to such months after 1954.

INCREASE IN EARNINGS COUNTED

42 USC 409.

SEC. 104. (a) Subsection (a) of section 209 of the Social Security Act is amended to read as follows:

"(a) (1) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to \$3,600 with respect to employment has been paid to an individual during any calendar year prior to 1955, is paid to such individual during such calendar year;

"(2) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to \$4,200 with respect to employment has been paid to an individual during any calendar year after 1954, is paid to such individual during such calendar year;"

42 USC 411.

(b) Paragraph (1) of subsection (b) of section 211 of such Act is amended to read as follows:

"(1) That part of the net earnings from self-employment which is in excess of—

"(A) For any taxable year ending prior to 1955, (i) \$3,600, minus (ii) the amount of the wages paid to such individual during the taxable year; and

"(B) For any taxable year ending after 1954, (i) \$4,200, minus (ii) the amount of the wages paid to such individual during the taxable year; or"

42 USC 413.

(c) Clauses (ii) and (iii) of section 213 (a) (2) (B) of such Act are amended to read as follows—

"(ii) if the wages paid to any individual in any calendar year equal \$3,600 in the case of a calendar year after 1950 and before 1955, or \$4,200 in the case of a calendar year after 1954, each quarter of such year shall (subject to clause (i)) be a quarter of coverage.

"(iii) if an individual has self-employment income for a taxable year, and if the sum of such income and the wages paid to him during such year equals \$3,600 in the case of a taxable year beginning after 1950 and ending before 1955, or \$4,200 in the case of a taxable year ending after 1954, each quarter any part of which falls in such year shall (subject to clause (i)) be a quarter of coverage;"

Ante, p. 1065.

(d) Paragraph (1) of section 215 (e) of such Act is amended to read as follows:

"(1) in computing an individual's average monthly wage there shall not be counted the excess over \$3,600 in the case of any calendar year after 1950 and before 1955, and the excess over \$4,200 in the case of any calendar year after 1954, of (A) the wages paid to him in such year, plus (B) the self-employment income credited to such year (as determined under section 212) ;"

42 USC 412.

RETROACTIVE APPLICATIONS FOR BENEFITS

SEC. 105. (a) Section 202 (j) (1) of the Social Security Act is amended by striking out "sixth" and inserting in lieu thereof "twelfth".

42 USC 402.

(b) The amendment made by subsection (a) shall be applicable only in the case of applications for monthly benefits under section 202 of the Social Security Act filed after August 1954; except that no individual shall, by reason of such amendment, be entitled to any benefit for any month prior to February 1954.

PRESERVATION OF INSURANCE RIGHTS OF INDIVIDUALS WITH EXTENDED TOTAL DISABILITY

SEC. 106. (a) (1) Section 213 (a) (2) (A) of the Social Security Act is amended to read as follows:

42 USC 413.

"(A) The term 'quarter of coverage' means, in the case of any quarter occurring prior to 1951, a quarter in which the individual has been paid \$50 or more in wages, except that no quarter any part of which was included in a period of disability (as defined in section 216 (i)), other than the initial quarter of such period, shall be a quarter of coverage. In the case of any individual who has been paid, in a calendar year prior to 1951, \$3,000 or more in wages, each quarter of such year following his first quarter of coverage shall be deemed a quarter of coverage, excepting any quarter in such year in which such individual died or became entitled to a primary insurance benefit and any quarter succeeding such quarter in which he died or became so entitled, and excepting any quarter any part of which was included in a period of disability, other than the initial quarter of such period."

Post, p. 1080.

(2) Section 213 (a) (2) (B) (i) of such Act is amended to read as follows:

"(i) no quarter after the quarter in which such individual died shall be a quarter of coverage, and no quarter any part of which was included in a period of disability (other than the initial quarter and the last quarter of such period) shall be a quarter of coverage;"

(b) (1) Section 214 (a) (2) of the Social Security Act is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

42 USC 414.

"(B) forty quarters of coverage, not counting as an elapsed quarter for purposes of subparagraph (A) any quarter any part of which was included in a period of disability (as defined in section 216 (i)) unless such quarter was a quarter of coverage."

Post, p. 1080.

(2) Section 214 (b) of such Act is amended by striking out the period and inserting in lieu thereof: ", not counting as part of such thirteen-quarter period any quarter any part of which was included in a period of disability unless such quarter was a quarter of coverage."

(c) (1) Section 215 (b) (1) of the Social Security Act (as amended by section 102 (b) (1) of this Act) is amended by inserting after "quarters of coverage" the following: "and any month in any quarter any part of which was included in a period of disability (as defined in section 216 (i)) unless such quarter was a quarter of coverage".

Ante, p. 1062.

(2) Section 215 (d) of such Act is amended by adding at the end thereof the following new paragraph:

Post, p. 1080.

"(5) In the case of any individual to whom paragraph (1), (2), or (4) of this subsection is applicable, his primary insurance benefit shall be computed as provided therein except that, for purposes of paragraphs (1) and (2) and subparagraph (C) of paragraph (4), any quarter prior to 1951 any part of which was included in a period of disability shall be excluded from the elapsed quarters unless it was

Ante, p. 1065.

a quarter of coverage, and any wages paid in any such quarter shall not be counted."

Ante, p. 1065.

(3) Section 215 (e) of such Act (as amended by section 102 (e) (1) of this Act) is amended by adding after paragraph (3) the following new paragraph:

"(4) in computing an individual's average monthly wage, there shall not be taken into account (A) any wages paid such individual in any quarter any part of which was included in a period of disability unless such quarter was a quarter of coverage, or (B) any self-employment income of such individual for any taxable year all of which was included in a period of disability."

42 USC 416.

(d) Section 216 of the Social Security Act is amended by adding after subsection (h) the following new subsection:

"Disability; Period of Disability

"(i) (1) The term 'disability' means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration, or (B) blindness; and the term 'blindness' means central visual acuity of 5/200 or less in the better eye with the use of a correcting lens. An eye in which the visual field is reduced to five degrees or less concentric contraction shall be considered for the purpose of this paragraph as having a central visual acuity of 5/200 or less. An individual shall not be considered to be under a disability unless he furnishes such proof of the existence thereof as may be required. Nothing in this title shall be construed as authorizing the Secretary or any other officer or employee of the United States to interfere in any way with the practice of medicine or with relationships between practitioners of medicine and their patients, or to exercise any supervision or control over the administration or operation of any hospital.

"Blindness."

"Period of disability."

"(2) The term 'period of disability' means a continuous period of not less than six full calendar months (beginning and ending as hereinafter provided in this subsection) during which an individual was under a disability (as defined in paragraph (1)). No such period shall begin as to any individual unless such individual, while under a disability, files an application for a disability determination with respect to such period; and no such period shall begin as to any individual after such individual attains retirement age. Except as provided in paragraph (4), a period of disability shall begin—

"(A) if the individual satisfies the requirements of paragraph (3) on such day,

"(i) on the day the disability began, or

"(ii) on the first day of the one-year period which ends with the day before the day on which the individual files such application,

whichever occurs later;

"(B) if such individual does not satisfy the requirements of paragraph (3) on the day referred to in subparagraph (A), then on the first day of the first quarter thereafter in which he satisfies such requirements.

A period of disability shall end with the close of the last day of the first month in which either the disability ceases or the individual attains retirement age. No application for a disability determination which is filed more than three months before the first day on which a period of disability can begin (as determined under this paragraph) shall be accepted as an application for purposes of this paragraph, and no such application which is filed prior to January 1, 1955, shall be accepted.

"(3) The requirements referred to in clauses (A) and (B) of paragraphs (2) and (4) are satisfied by an individual with respect to any quarter only if he had not less than—

"(A) six quarters of coverage (as defined in section 213 (a) (2)) during the thirteen-quarter period which ends with such quarter; and

"(B) twenty quarters of coverage during the forty-quarter period which ends with such quarter,

not counting as part of the thirteen-quarter period specified in clause (A), or the forty-quarter period specified in clause (B), any quarter any part of which was included in a prior period of disability unless such quarter was a quarter of coverage.

"(4) If an individual files an application for a disability determination after December 1954, and before July 1957, with respect to a disability which began before July 1956, and continued without interruption until such application was filed, then the beginning day for the period of disability, if such individual does not die prior to July 1, 1955, shall be—

"(A) the day such disability began, but only if he satisfies the requirements of paragraph (3) on such day;

"(B) if he does not satisfy such requirements on such day, the first day of the first quarter thereafter in which he satisfies such requirements."

(e) (1) The first sentence of section 217 (a) (1) of the Social Security Act is amended by inserting "and for purposes of section 216 (i) (3)," after "World War II veteran,".

42 USC 417.

(2) The first sentence of section 217 (e) (1) of such Act is amended by inserting "and for purposes of section 216 (i) (3)," after "veteran (as defined in paragraph (4)),".

Ante, p. 1080.

(3) Such section 217 (a) (1) and such section 217 (e) (1) of such Act are each amended by adding at the end thereof the following new sentence: "The provisions of clause (B) shall also not apply for purposes of section 216 (i) (3)."

(f) Section 5 (k) of the Railroad Retirement Act of 1937, as amended, is amended by striking out "and for the purposes of section 203 of that Act" and inserting in lieu thereof "and for the purposes of sections 203 and 216 (i) (3) of that Act".

45 USC 228e.

(g) Title II of the Social Security Act is amended by adding after section 219 the following new sections:

42 USC 419.

"DISABILITY PROVISIONS INAPPLICABLE IF BENEFIT RIGHTS IMPAIRED

"SEC. 220. None of the provisions of this title relating to periods of disability shall apply in any case in which their application would result in the denial of monthly benefits or a lump-sum death payment which would otherwise be payable under this title; nor shall they apply in the case of any monthly benefit or lump-sum death payment under this title if such benefit or payment would be greater without their application.

"DISABILITY DETERMINATIONS

"SEC. 221. (a) In the case of any individual, the determination of whether or not he is under a disability (as defined in section 216 (i)) and of the day such disability began, and the determination of the day on which such disability ceases, shall, except as provided in subsection (g), be made by a State agency pursuant to an agreement entered into under subsection (b). Except as provided in subsections (c) and (d),

Ante, p. 1080.

Agreements with
States.

57 Stat. 379.
29 USC 41.

any such determination shall be the determination of the Secretary for purposes of this title.

“(b) The Secretary shall enter into an agreement with each State which is willing to make such an agreement under which the State agency or agencies administering the State plan approved under the Vocational Rehabilitation Act, or any other appropriate State agency or agencies, or both, will make the determinations referred to in subsection (a) with respect to all individuals in such State, or with respect to such class or classes of individuals in the State as may be designated in the agreement at the State’s request.

“(c) The Secretary may on his own motion review a determination, made by a State agency pursuant to an agreement under this section, that an individual is under a disability and, as a result of such review, may determine that such individual is not under a disability or that such disability began on a day later than that determined by such agency, or that such disability ceased on a day earlier than that determined by such agency.

42 USC 405.

“(d) Any individual dissatisfied with any determination under subsection (a), (c), or (g) shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205 (b) with respect to decisions of the Secretary, and to judicial review of the Secretary’s final decision after such hearing as is provided in section 205 (g).

“(e) Each State which has an agreement with the Secretary under this section shall be entitled to receive from the Trust Fund, in advance or by way of reimbursement, as may be mutually agreed upon, the cost to the State of carrying out the agreement under this section. The Secretary shall from time to time certify such amount as is necessary for this purpose to the Managing Trustee, reduced or increased, as the case may be, by any sum (for which adjustment hereunder has not previously been made) by which the amount certified for any prior period was greater or less than the amount which should have been paid to the State under this subsection for such period; and the Managing Trustee, prior to audit or settlement by the General Accounting Office, shall make payment from the Trust Fund at the time or times fixed by the Secretary, in accordance with such certification.

“(f) All money paid to a State under this section shall be used solely for the purposes for which it is paid; and any money so paid which is not used for such purposes shall be returned to the Treasury of the United States for deposit in the Trust Fund.

“(g) In the case of individuals in a State which has no agreement under subsection (b), in the case of individuals outside the United States, and in the case of any class or classes of individuals not included in an agreement under subsection (b), the determinations referred to in subsection (a) shall be made by the Secretary in accordance with regulations prescribed by him.

“REFERRAL FOR REHABILITATION SERVICES

“SEC. 222. It is hereby declared to be the policy of the Congress in enacting the preceding section that disabled individuals applying for a determination of disability shall be promptly referred to the State agency or agencies administering or supervising the administration of the State plan approved under the Vocational Rehabilitation Act for necessary vocational rehabilitation services, to the end that the maximum number of disabled individuals may be restored to productive activity.”

57 Stat. 379.
29 USC 41.

(h) Notwithstanding the provisions of section 215 (f) (1) of the Social Security Act, the amendments made by subsections (a), (b), (c), (d), (e), and (f) of this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after June 1955, and with respect to lump-sum death payments under such title in the case of deaths occurring after June 1955; but no recomputation of benefits by reason of such amendments shall be regarded as a recomputation for purposes of section 215 (f) of the Social Security Act.

42 USC 415.

42 USC 401-421.

Ante, pp. 1066-1068.

TERMINATION OF BENEFITS UPON DEPORTATION

SEC. 107. Section 202 of the Social Security Act is amended by adding after subsection (m) thereof (added by section 102 (i) of this Act) the following new subsection:

42 USC 402;
ante, pp. 1073,
1079; *post*, p. 1085.

"Termination of Benefits Upon Deportation of Primary Beneficiary

"(n) (1) If any individual is (after the date of enactment of this subsection) deported under paragraph (1), (2), (4), (5), (6), (7), (10), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act, then, notwithstanding any other provisions of this title—

66 Stat. 204.
8 USC 1251.

"(A) no monthly benefit under this section shall be paid to such individual, on the basis of his wages and self-employment income, for any month occurring (i) after the month in which the Secretary is notified by the Attorney General that such individual has been so deported, and (ii) before the month in which such individual is thereafter lawfully admitted to the United States for permanent residence,

"(B) if no benefit could be paid to such individual (or if no benefit could be paid to him if he were alive) for any month by reason of subparagraph (A), no monthly benefit under this section shall be paid, on the basis of his wages and self-employment income, for such month to any other person who is not a citizen of the United States and is outside the United States for any part of such month, and

"(C) no lump-sum death payment shall be made on the basis of such individual's wages and self-employment income if he dies (i) in or after the month in which such notice is received, and (ii) before the month in which he is thereafter lawfully admitted to the United States for permanent residence.

Section 203 (b) and (c) of this Act shall not apply with respect to any such individual for any month for which no monthly benefit may be paid to him by reason of this paragraph.

Ante, pp. 1073,
1078.

"(2) As soon as practicable after the deportation of any individual under any of the paragraphs of section 241 (a) of the Immigration and Nationality Act enumerated in paragraph (1) in this subsection, the Attorney General shall notify the Secretary of such deportation."

INSURED STATUS

SEC. 108. (a) Section 214 (a) of the Social Security Act is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following new paragraph:

42 USC 414;
ante, p. 1079.

"(3) In the case of any individual who did not die prior to January 1, 1955, the term 'fully insured individual' means any individual who meets the requirements of paragraph (2) and, in addition, any individual with respect to whom all of the quarters elapsing after 1954 and prior to (i) July 1, 1956, or (ii) if later, the quarter in which he

attained retirement age or died, whichever first occurred, are quarters, but only if there are not fewer than six of such quarters so elapsing."

Ante, pp. 1078, 1079.

(b) Subparagraph (B) of section 213 (a) (2) of such Act is amended by inserting "(except wages for agricultural labor paid after 1954)" after "\$50 or more in wages" in that part of such subparagraph which precedes clause (i), and by striking out clause (iv) and inserting in lieu thereof the following:

"(iv) if an individual is paid wages for agricultural labor in a calendar year after 1954, then, subject to clause (i), (a) the last quarter of such year which can be but is not otherwise a quarter of coverage shall be a quarter of coverage if such wages are less than \$200; (b) the last two quarters of such year which can be but are not otherwise quarters of coverage shall be quarters of coverage if such wages equal or exceed \$200 but are less than \$300; (c) the last three quarters of such year which can be but are not otherwise quarters of coverage shall be quarters of coverage if such wages equal or exceed \$300 but are less than \$400; and (d) each quarter of such year which is not otherwise a quarter of coverage shall be a quarter of coverage if such wages are \$400 or more; and

"(v) no quarter shall be counted as a quarter of coverage prior to the beginning of such quarter.

If, in the case of any individual who has attained retirement age or died or is under a disability and who has been paid wages for agricultural labor in a calendar year after 1954, the requirements for insured status in subsection (a) or (b) of section 214, the requirements for entitlement to a computation or recomputation of his primary insurance amount, or the requirements of paragraph (3) of section 216 (i) are not met after assignment of quarters of coverage to quarters in such year as provided in clause (iv) of the preceding sentence, but would be met if such quarters of coverage were assigned to different quarters in such year, then such quarters of coverage shall instead be assigned, for purposes only of determining compliance with such requirements, to such different quarters."

Ante, pp. 1079, 1083.

Ante, p. 1080.

BENEFITS IN CERTAIN CASES OF DEATHS BEFORE SEPTEMBER 1950

SEC. 109. (a) In the case of any individual—

42 USC 401-421.

(1) who died prior to September 1, 1950, and was not a fully insured individual (under title II of the Social Security Act), when he died, and

(2) who had not less than six quarters of coverage (as defined in such title),

Post, p. 1085.

such individual shall, except for purposes of determining entitlement of a former wife divorced to benefits under section 202 (g) of the Social Security Act, be deemed to have died a fully insured individual. Such individual's primary insurance amount shall be computed under subsection (a) (2) of section 215 of such Act. For the purpose of such computation, the provisions of section 215 (d) (3) of such Act shall apply if such individual died a currently insured individual (under title II of such Act) and any other person was entitled on the basis of his wages to monthly benefits or a lump-sum death payment under section 202 of such Act; in all other cases the provisions of section 215 (d) (4) shall be applicable, except that such individual's closing date shall be the first day of the quarter in which he died. In the case of any such individual, the requirement in subsection (h) of section 202 of such Act that proof of support be filed within two years of the date of his death shall not apply if such proof is filed before September 1956.

Ante, p. 1062.
42 USC 415.

Ante, pp. 1073, 1079, 1083; *post*, p. 1085.
Ante, p. 1065.

(b) The provisions of subsection (a) shall be applicable only in the case of monthly benefits under section 202 of the Social Security Act for months after August 1954, on the basis of applications filed after such month. ^{42 USC 402; ante, pp. 1073, 1079, 1083.}

**ELIMINATION OF REQUIREMENT OF FILING APPLICATION
IN CERTAIN CASES**

SEC. 110. (a) Section 202 (e) (1) (C) of the Social Security Act is amended to read as follows: ^{42 USC 402.}

“(C) (i) has filed application for widow’s insurance benefits or was entitled, after attainment of retirement age, to wife’s insurance benefits, on the basis of the wages and self-employment income of such individual, for the month preceding the month in which he died, or

“(ii) was entitled, on the basis of such wages and self-employment income, to mother’s insurance benefits for the month preceding the month in which she attained retirement age.”.

(b) Section 202 (g) (1) (D) of such Act is amended to read as follows:

“(D) has filed application for mother’s insurance benefits, or was entitled to wife’s insurance benefits on the basis of the wages and self-employment income of such individual for the month preceding the month in which he died.”.

(c) The third sentence of section 202 (i) of such Act is amended by inserting immediately before the period at the end thereof the following: “, or unless such person was entitled to wife’s or husband’s insurance benefits, on the basis of the wages and self-employment income of such insured individual, for the month preceding the month in which such individual died”.

TECHNICAL AMENDMENTS

SEC. 111. (a) The second sentence of section 204 (a) of the Social Security Act is amended by inserting “and self-employment income” after “wages”. ^{42 USC 404.}

(b) Section 208 of the Social Security Act is amended by inserting “, or as to the amount of net earnings from self-employment derived or the period during which derived” after “as to the amount of any wages paid or received or the period during which earned or paid”. ^{42 USC 408.}

REPEAL OF REQUIREMENT OF CERTAIN DEDUCTIONS

SEC. 112. (a) No deductions shall be made pursuant to subsection (i) of section 203 of the Social Security Act from any benefits for any month after August 1954; and, effective September 1, 1954, such subsection is repealed. ^{42 USC 403.}

(b) No deductions shall be made pursuant to section 907 of the Social Security Act Amendments of 1939 (53 Stat. 1360, 1402), with respect to wages for services performed in 1939, from any benefits for any month after August 1954; and, effective September 1, 1954, such section is amended by striking out “1 per centum of any wages paid him for services performed in 1939, and subsequent to his attaining age sixty-five, and”. ^{26 USC 1400 note.}

PROOF OF SUPPORT BY HUSBAND OR WIDOWER IN CERTAIN CASES

42 USC 402. SEC. 113. (a) For the purpose of determining the entitlement of any individual to husband's insurance benefits under subsection (c) of section 202 of the Social Security Act on the basis of his wife's wages and self-employment income, the requirements of paragraph (1) (D) of such subsection shall be deemed to be met if—

Ante, pp. 1073, 1078. (1) such individual was receiving at least one-half of his support, as determined in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare, from his wife on the first day of the first month (A) for which she was entitled to a monthly benefit under subsection (a) of such section 202, and (B) in which an event described in paragraph (1) or (2) of section 203 (b) of such Act (as in effect before or after the enactment of this Act) did not occur,

(2) such individual has filed proof of such support within two years after such first month, and

Ante, p. 1079. (3) such wife was, without the application of subsection (j) (1) of such section 202, entitled to a primary insurance benefit under such Act for August 1950.

42 USC 402. (b) For the purpose of determining the entitlement of any individual to widower's insurance benefits under subsection (f) of section 202 of the Social Security Act on the basis of his deceased wife's wages and self-employment income, the requirements of paragraph (1) (E) (ii) of such subsection shall be deemed to be met if—

Ante, pp. 1073, 1078. (1) such individual was receiving at least one-half of his support, as determined in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare, from his wife, and she was a currently insured individual, on the first day of the first month (A) for which she was entitled to a monthly benefit under subsection (a) of such section 202, and (B) in which an event described in paragraph (1) or (2) of section 203 (b) of such Act (as in effect before or after the enactment of this Act) did not occur,

(2) such individual has filed proof of such support within two years after such first month, and

Ante, p. 1079. (3) such wife was, without the application of subsection (j) (1) of such section 202, entitled to a primary insurance benefit under such Act for August 1950.

42 USC 402. (c) For purposes of subsection (b) (1) of this section, and for purposes of section 202 (c) (1) of the Social Security Act in cases to which subsection (a) of this section is applicable, the wife of an individual shall be deemed a currently insured individual if she had not less than six quarters of coverage (as determined under section 213 of the Social Security Act) during the thirteen-quarter period ending with the calendar quarter in which occurs the first month (1) for which such wife was entitled to a monthly benefit under section 202 (a) of such Act, and (2) in which an event described in paragraph (1) or (2) of section 203 (b) of such Act (as in effect before or after the enactment of this Act) did not occur.

42 USC 402. *Ante*, pp. 1073, 1078. (d) This section shall apply only with respect to husband's insurance benefits under section 202 (c) of the Social Security Act, and widower's insurance benefits under section 202 (f) of such Act, for months after August 1954, and only with respect to benefits based on applications filed after such month.

DEFINITION

SEC. 114. As used in the provisions of the Social Security Act amended by this title, the term "Secretary" means the Secretary of Health, Education, and Welfare.

COVERED EMPLOYMENT NOT COUNTED UNDER OTHER FEDERAL
RETIREMENT SYSTEMS

SEC. 115. Notwithstanding any other provision of law, in determining eligibility for or the amount of any benefit (other than a benefit under title II of the Social Security Act or under the Railroad Retirement Act of 1937, as amended) under any retirement system established by the United States or any instrumentality thereof, there shall not be taken into account any service which, by reason of the amendments to section 210 (a) of the Social Security Act made by section 101 (c) of this Act, constitutes employment as defined in such section 210 (a).

42 USC 401-421.

45 USC 228a-228y; ante, p. 1081; post, pp. 1097, 1098.

Ante, p. 1053.

TITLE II—AMENDMENTS TO INTERNAL REVENUE
CODES OF 1939 AND 1954AMENDMENTS TO DEFINITIONS OF SELF-EMPLOYMENT INCOME AND
RELATED DEFINITIONS

SEC. 201. (a) (1) Paragraph (1) of section 1402 (a) of the Internal Revenue Code of 1954 is amended to read as follows:

68A Stat. 353.

"(1) there shall be excluded rentals from real estate and from personal property leased with the real estate (including such rentals paid in crop shares) together with the deductions attributable thereto, unless such rentals are received in the course of a trade or business as a real estate dealer;"

(2) Subsection (a) of section 1402 of the Internal Revenue Code of 1954 is amended by striking out paragraph (2) and redesignating paragraphs (3), (4), (5), (6), (7), and (8), and any references thereto contained in such code, as paragraphs (2), (3), (4), (5), (6), and (7), respectively, and by adding at the end of such subsection the following new sentence: "In the case of any trade or business which is carried on by an individual who reports his income on a cash receipts and disbursements basis, and in which, if it were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 3121 (g), (i) if the gross income derived from such trade or business by such individual is not more than \$1,800, the net earnings from self-employment derived by him therefrom may, at his option, be deemed to be 50 percent of such gross income in lieu of his net earnings from self-employment from such trade or business computed as provided under the preceding provisions of this subsection, or (ii) if the gross income derived from such trade or business by such individual is more than \$1,800 and the net earnings from self-employment derived by him therefrom, as computed under the preceding provisions of this subsection, are less than \$900, such net earnings may instead, at the option of such individual, be deemed to be \$900. For the purpose of the preceding sentence, gross income derived from such trade or business shall mean the gross receipts from such trade or business reduced by the cost or other basis of property which was purchased and sold in carrying on such trade or business, adjusted (after such reduction) in accordance with the preceding provisions of this subsection."

Post, p. 1089.

68A Stat. 424.

68A Stat. 354.

(b) (1) Paragraph (1) of section 1402 (b) of the Internal Revenue Code of 1954 is amended to read as follows:

“(1) that part of the net earnings from self-employment which is in excess of—

“(A) for any taxable year ending prior to 1955, (i) \$3,600, minus (ii) the amount of the wages paid to such individual during the taxable year; and

“(B) for any taxable year ending after 1954, (i) \$4,200, minus (ii) the amount of the wages paid to such individual during the taxable year; or”.

(2) Section 1402 (b) of the Internal Revenue Code of 1954 is amended by inserting after “employees” the following: “, or under an agreement entered into pursuant to the provisions of section 3121 (1) (relating to coverage of citizens of the United States who are employees of foreign subsidiaries of domestic corporations),”.

Post, p. 1094.

(c) (1) Section 1402 (c) (2) of the Internal Revenue Code of 1954 is amended by inserting after “18” the following: “and other than service described in paragraph (4) of this subsection”.

(2) Section 1402 (c) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentences: “The provisions of paragraph (4) shall not apply to service (other than service performed by a member of a religious order who has taken a vow of poverty as a member of such order) performed by an individual during the period for which a certificate filed by such individual under subsection (e) is in effect. The provisions of paragraph (5) shall not apply to service performed by an individual in the exercise of his profession as a Christian Science practitioner during the period for which a certificate filed by him under subsection (e) is in effect.”

Infra.

(3) Section 1402 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

“(e) MINISTERS, MEMBERS OF RELIGIOUS ORDERS, AND CHRISTIAN SCIENCE PRACTITIONERS.—

“(1) WAIVER CERTIFICATE.—Any individual who is (A) a duly ordained, commissioned, or licensed minister of a church or a member of a religious order (other than a member of a religious order who has taken a vow of poverty as a member of such order) or (B) a Christian Science practitioner may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations made under this chapter) certifying that he elects to have the insurance system established by title II of the Social Security Act extended to service described in subsection (c) (4), or service described in subsection (c) (5) insofar as it relates to the performance of service by an individual in the exercise of his profession as a Christian Science practitioner, as the case may be, performed by him.

42 USC 401-421.

“(2) TIME FOR FILING CERTIFICATE.—Any individual who desires to file a certificate pursuant to paragraph (1) must file such certificate on or before the due date of the return (including any extension thereof) for his second taxable year ending after 1954 for which he has net earnings from self-employment (computed, in the case of an individual referred to in paragraph (1) (A), without regard to subsection (c) (4), and, in the case of an individual referred to in paragraph (1) (B), without regard to subsection (c) (5) insofar as it relates to the performance of service by an individual in the exercise of his profession as a Christian Science practitioner) of \$400 or more, any part of which was derived from the performance of service described in subsection (c) (4), or from the performance of service described in subsection (c) (5) insofar as it relates to the performance of service

by an individual in the exercise of his profession as a Christian Science practitioner, as the case may be.

"(3) **EFFECTIVE DATE OF CERTIFICATE.**—A certificate filed pursuant to this subsection shall be effective for the first taxable year with respect to which it is filed (but in no case shall the certificate be effective for a taxable year with respect to which the period for filing a return has expired, or for a taxable year ending prior to 1955) and all succeeding taxable years. An election made pursuant to this subsection shall be irrevocable."

(4) Section 1402 (a) of the Internal Revenue Code of 1954 is amended— *Ante*, p. 1087.

(A) by striking out the period at the end of paragraph (7) (as renumbered by subsection (a) (2) of this section) and inserting in lieu thereof a semicolon, and

(B) by inserting after such paragraph (7) thereof a new paragraph as follows:

"(8) an individual who is—

"(A) a duly ordained, commissioned, or licensed minister of a church or a member of a religious order; and

"(B) a citizen of the United States performing service described in subsection (c) (4) as an employee of an American employer (as defined in section 3121 (h))

68A Stat. 425.

shall compute his net earnings from self-employment derived from the performance of service described in subsection (c) (4) without regard to section 911 (relating to earned income from sources without the United States) and section 931 (relating to income from sources within possessions of the United States)."

68A Stat. 289, 291.

(5) Section 1402 (c) (5) of the Internal Revenue Code of 1954 is amended to read as follows:

68A Stat. 355.

"(5) the performance of service by an individual in the exercise of his profession as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, or Christian Science practitioner; or the performance of such service by a partnership."

(d) The amendments made by subsections (a), (b), and (c) of this section shall be applicable only with respect to taxable years ending after 1954.

REFUND OF CERTAIN TAXES DEDUCTED FROM WAGES

SEC. 202. (a) (1) The first sentence of section 6413 (c) (1) of the Internal Revenue Code of 1954 is amended to read as follows: "If by reason of an employee receiving wages from more than one employer during a calendar year after the calendar year 1950 and prior to the calendar year 1955, the wages received by him during such year exceed \$3,600, the employee shall be entitled (subject to the provisions of section 31 (b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 1400 of the Internal Revenue Code of 1939 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first \$3,600 of such wages received; or if by reason of an employee receiving wages from more than one employer during any calendar year after the calendar year 1954, the wages received by him during such year exceed \$4,200, the employee shall be entitled (subject to the provisions of section 31 (b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101 and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first \$4,200 of such wages received."

68A Stat. 797.

68A Stat. 13.
68A Stat. 938, 415.

Post, p. 1094.

68A Stat. 938,
797.

Ante, pp. 1053,
1055-1059.

68A Stat. 797.

Post, p. 1091-
1094.

68A Stat. 428.

64 Stat. 525.

(2) Section 1401 (d) (3) of the Internal Revenue Code of 1939 is amended by striking out the period at the end of the second sentence and inserting in lieu thereof "or, in the case of any agreement (or modification thereof) pursuant to section 218 of the Social Security Act which is effective as of a date more than two years prior to the date such agreement (or modification) was agreed to, within two years after the calendar year in which such agreement (or modification) was agreed to by the State and the Secretary of Health, Education, and Welfare."

(b) (1) The heading of section 6413 (c) (2) of the Internal Revenue Code of 1954 is amended to read as follows: "APPLICABILITY IN CASE OF FEDERAL AND STATE EMPLOYEES AND EMPLOYEES OF CERTAIN FOREIGN CORPORATIONS.—"

(2) Section 6413 (c) (2) (A) of the Internal Revenue Code of 1954 is amended by striking out "\$3,600," and inserting in lieu thereof "\$3,600 for the calendar year 1951, 1952, 1953, or 1954, or \$4,200 for any calendar year after 1954."

(3) Section 6413 (c) (2) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subparagraph:

"(C) Employees Of Certain Foreign Corporations.—For purposes of paragraph (1) of this subsection, the term 'wages' includes such remuneration for services covered by an agreement made pursuant to section 3121 (1) as would be wages if such services constituted employment; the term 'employer' includes any domestic corporation which has entered into an agreement pursuant to section 3121 (1); the term 'tax' or 'tax imposed by section 3101,' includes, in the case of services covered by an agreement entered into pursuant to section 3121 (1), an amount equivalent to the tax which would be imposed by section 3101, if such services constituted employment as defined in section 3121; and the provisions of paragraph (1) of this subsection shall apply whether or not any amount deducted from the employee's remuneration as a result of the agreement entered into pursuant to section 3121 (1) has been paid to the Secretary or his delegate."

(c) The second sentence of section 3122 of the Internal Revenue Code of 1954 is amended by striking out "\$3,600" and inserting in lieu thereof "\$4,200".

(d) The amendments made by subsections (a) (1), (b), and (c) shall be applicable only with respect to remuneration paid after 1954. The amendment made by subsection (a) (2) shall be effective as if it had been enacted as a part of section 203 (c) of the Social Security Act Amendments of 1950 which added section 1401 (d) (3) to the Internal Revenue Code of 1939.

COLLECTION AND PAYMENT OF TAXES WITH RESPECT TO COAST GUARD EXCHANGES

68A Stat. 428.

SEC. 203. (a) Section 3122 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: "The provisions of this subsection shall be applicable also in the case of service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard; and for purposes of this subsection the Secretary shall be deemed to be the head of such instrumentality."

(b) The amendment made by subsection (a) shall become effective January 1, 1955.

AMENDMENTS TO DEFINITION OF WAGES

SEC. 204. (a) Paragraph (1) of section 3121 (a) of the Internal Revenue Code of 1954 is amended by striking out "\$3,600" wherever it appears therein and inserting in lieu thereof "\$4,200". 68A Stat. 417.

(b) (1) Subparagraph (B) of section 3121 (a) (7) of the Internal Revenue Code of 1954 is amended to read as follows: 68A Stat. 418.

"(B) cash remuneration paid by an employer in any calendar quarter to an employee for domestic service in a private home of the employer, if the cash remuneration paid in such quarter by the employer to the employee for such service is less than \$50. As used in this subparagraph, the term 'domestic service in a private home of the employer' does not include service described in subsection (g) (5);". Domestic serv-
ice.

(2) Section 3121 (a) (7) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subparagraph:

"(C) cash remuneration paid by an employer in any calendar quarter to an employee for service not in the course of the employer's trade or business, if the cash remuneration paid in such quarter by the employer to the employee for such service is less than \$50. As used in this subparagraph, the term 'service not in the course of the employer's trade or business' does not include domestic service in a private home of the employer and does not include service described in subsection (g) (5);". Service not in
employer's trade,
etc.

(3) Section 3121 (a) (8) of the Internal Revenue Code of 1954 is amended by inserting "(A)" after "(8)" and by adding at the end thereof the following new subparagraph: 68A Stat. 418.

"(B) cash remuneration paid by an employer in any calendar year to an employee for agricultural labor, if the cash remuneration paid in such year by the employer to the employee for such labor is less than \$100;". Agricultural
labor.

(c) The amendments made by subsections (a) and (b) shall be applicable only with respect to remuneration paid after 1954. Applicability.

AMENDMENTS TO DEFINITION OF EMPLOYMENT

SEC. 205. (a) Section 3121 (b) (1) of the Internal Revenue Code of 1954 is amended to read as follows: 68A Stat. 419.

"(1) (A) service performed in connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended (46 Stat. 1550 § 3; 12 U. S. C. 1141j);

"(B) service performed by foreign agricultural workers (i) under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended (65 Stat. 119; 7 U. S. C. 1461-1468), or (ii) lawfully admitted to the United States from the Bahamas, Jamaica, and the other British West Indies on a temporary basis to perform agricultural labor;".

(b) Section 3121 (b) of the Internal Revenue Code of 1954 is amended by striking out paragraph (3) and redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14), and any references thereto contained in such code, as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13), respectively.

(c) The paragraph of section 3121 (b) of the Internal Revenue Code of 1954 herein redesignated as paragraph (4) is amended by

striking out "if the individual is employed on and in connection with such vessel or aircraft when outside the United States" and inserting in lieu thereof: "if (A) the individual is employed on and in connection with such vessel or aircraft, when outside the United States and (B) (i) such individual is not a citizen of the United States or (ii) the employer is not an American employer".

68A Stat. 419.

(d) (1) Subparagraph (B) of the paragraph of section 3121 (b) of the Internal Revenue Code of 1954 herein redesignated as paragraph (6) is amended—

(A) by inserting "by an individual" after "service performed," and by inserting "and if such service is covered by a retirement system established by such instrumentality;" after "December 31, 1950,";

(B) by striking out "or" at the end of clause (iii), by adding "or" at the end of clause (iv), and by adding at the end of the subparagraph the following new clause:

"(v) service performed by a civilian employee, not compensated from funds appropriated by the Congress, in the Coast Guard Exchanges or other activities, conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of the Treasury, at installations of the Coast Guard for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Coast Guard;"

(2) Subparagraph (C) of such paragraph is amended to read as follows:

"(C) service performed in the employ of the United States or in the employ of any instrumentality of the United States, if such service is performed—

"(i) as the President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner of or to the Congress;

"(ii) in the legislative branch;

"(iii) in a penal institution of the United States by an inmate thereof;

"(iv) by any individual as an employee included under section 2 of the Act of August 4, 1947 (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government; 5 U. S. C., sec. 1052);

"(v) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency; or

"(vi) by any individual to whom the Civil Service Retirement Act of 1930 does not apply because such individual is subject to another retirement system;"

61 Stat. 727.

46 Stat. 468.
5 USC 691 note.

68A Stat. 422.

(e) Section 3121 (b) of the Internal Revenue Code of 1954 is further amended by striking out paragraph (15) and redesignating paragraphs (16) and (17), and any references thereto contained in such code, as paragraphs (14) and (15), respectively.

Applicability.

(f) The amendments made by subsections (c), (d), and (e) shall be applicable only with respect to services performed after 1954. The amendments made by subsections (a) and (b) shall be applicable only with respect to services (whether performed after 1954 or prior to 1955) for which the remuneration is paid after 1954.

AMENDMENT RELATING TO COLLECTION OF EMPLOYEE TAX

SEC. 205 A. Section 3102 (a) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: "An employer who in any calendar quarter pays to an employee cash remuneration to which paragraph (7) (B) or (C) or (10) of section 3121 (a) is applicable may deduct an amount equivalent to such tax from any such payment of remuneration, even though at the time of payment the total amount of such remuneration paid to the employee by the employer in the calendar quarter is less than \$50; and an employer who in any calendar year pays to an employee cash remuneration to which paragraph (8) (B) of section 3121 (a) is applicable may deduct an amount equivalent to such tax from any such payment of remuneration, even though at the time of payment the total amount of such remuneration paid to the employee by the employer in the calendar year is less than \$100."

68A Stat. 415.

Ante, p. 1091;
68A Stat. 418.

Ante, p. 1091.

AMENDMENT TO DEFINITION OF EMPLOYEE

SEC. 206. (a) Subparagraph (C) of section 3121 (d) (3) of the Internal Revenue Code of 1954 is amended by striking out "if the performance of such services is subject to licensing requirements under the laws of the State in which such services are performed".

68A Stat. 424.

(b) The amendment made by subsection (a) shall be applicable only with respect to services performed after 1954.

FILING OF SUPPLEMENTAL LISTS OF EMPLOYEES BY CERTAIN
NONPROFIT ORGANIZATIONS

SEC. 207. (a) Paragraph (1) of section 3121 (k) of the Internal Revenue Code of 1954 is amended by striking out the third sentence thereof and inserting in lieu thereof the following: "Such list may be amended at any time prior to the expiration of the twenty-fourth month following the first calendar quarter for which the certificate is in effect, by filing with the prescribed official a supplemental list or lists containing the signature, address, and social security account number (if any) of each additional employee who concurs in the filing of the certificate."

68A Stat. 427.

(b) Paragraph (1) of such section 3121 (k) is further amended by striking out the period at the end of the fifth sentence thereof and inserting in lieu thereof the following: "except that, in the case of service performed by an individual whose name appears on a supplemental list filed after the first month following the first calendar quarter for which the certificate is in effect, the certificate shall be in effect, for purposes of such subsection (b) (8) and for purposes of section 210 (a) (8) of the Social Security Act, only with respect to service performed by such individual after the calendar quarter in which such supplemental list is filed."

42 USC 410.

CHANGES IN TAX SCHEDULES

SEC. 208. (a) Section 1401 of the Internal Revenue Code of 1954 is amended by striking out paragraph (4) and inserting in lieu thereof the following:

68A Stat. 353.

"(4) in the case of any taxable year beginning after December 31, 1969, and before January 1, 1975, the tax shall be equal to $5\frac{1}{4}$ percent of the amount of the self-employment income for such taxable year;

68A Stat. 415. “(5) in the case of any taxable year beginning after December 31, 1974, the tax shall be equal to 6 percent of the amount of the self-employment income for such taxable year.”

(b) Section 3101 of the Internal Revenue Code of 1954 is amended by striking out paragraph (4) and inserting in lieu thereof the following:

“(4) with respect to wages received during the calendar years 1970 to 1974, both inclusive, the rate shall be 3½ percent;

68A Stat. 416. “(5) with respect to wages received after December 31, 1974, the rate shall be 4 percent.”

(c) Section 3111 of the Internal Revenue Code of 1954 is amended by striking out paragraph (4) and inserting in lieu thereof the following:

“(4) with respect to wages paid during the calendar years 1970 to 1974, both inclusive, the rate shall be 3½ percent;

“(5) with respect to wages paid after December 31, 1974, the rate shall be 4 percent.”

FOREIGN SUBSIDIARIES OF DOMESTIC CORPORATION

68A Stat. 417. SEC. 209. Section 3121 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

“(1) AGREEMENTS ENTERED INTO BY DOMESTIC CORPORATIONS WITH RESPECT TO FOREIGN SUBSIDIARIES.—

“(1) AGREEMENT WITH RESPECT TO CERTAIN EMPLOYEES OF FOREIGN SUBSIDIARIES.—The Secretary or his delegate shall, at the request of any domestic corporation, enter into an agreement (in such form and manner as may be prescribed by the Secretary or his delegate) with any such corporation which desires to have the insurance system established by title II of the Social Security Act extended to service performed outside the United States in the employ of any one or more of its foreign subsidiaries (as defined in paragraph (8)) by all employees who are citizens of the United States, except that the agreement shall not be applicable to any service performed by, or remuneration paid to, an employee if such service or remuneration would be excluded from the term ‘employment’ or ‘wages’, as defined in this section, had the service been performed in the United States. Such agreement may be amended at any time so as to be made applicable, in the same manner and under the same conditions, with respect to any other foreign subsidiary of such domestic corporation. Such agreement shall be applicable with respect to citizens of the United States who, on or after the effective date of the agreement, are employees of and perform services outside the United States for any foreign subsidiary specified in the agreement. Such agreement shall provide—

Supra.

“(A) that the domestic corporation shall pay to the Secretary or his delegate, at such time or times as the Secretary or his delegate may by regulations prescribe, amounts equivalent to the sum of the taxes which would be imposed by sections 3101 and 3111 (including amounts equivalent to the interest, additions to the taxes, additional amounts, and penalties which would be applicable) with respect to the remuneration which would be wages if the services covered by the agreement constituted employment as defined in this section; and

“(B) that the domestic corporation will comply with such regulations relating to payments and reports as the Secretary or his delegate may prescribe to carry out the purposes of this subsection.

“(2) **EFFECTIVE PERIOD OF AGREEMENT.**—An agreement entered into pursuant to paragraph (1) shall be in effect for the period beginning with the first day of the calendar quarter in which such agreement is entered into or the first day of the succeeding calendar quarter, as may be specified in the agreement, but in no case prior to January 1, 1955; except that in case such agreement is amended to include the services performed for any other subsidiary and such amendment is executed after the first month following the first calendar quarter for which the agreement is in effect, the agreement shall be in effect with respect to service performed for such other subsidiary only after the calendar quarter in which such amendment is executed.

“(3) **TERMINATION OF PERIOD BY A DOMESTIC CORPORATION.**—The period for which an agreement entered into pursuant to paragraph (1) of this subsection is effective may be terminated with respect to any one or more of its foreign subsidiaries by the domestic corporation, effective at the end of a calendar quarter, upon giving two years' advance notice in writing, but only if, at the time of the receipt of such notice, the agreement has been in effect for a period of not less than eight years. The notice of termination may be revoked by the domestic corporation by giving, prior to the close of the calendar quarter specified in the notice of termination, a written notice of such revocation. Notice of termination or revocation thereof shall be filed in such form and manner as may be prescribed by regulations. Notwithstanding any other provision of this subsection, the period for which any such agreement is effective with respect to any foreign corporation shall terminate at the end of any calendar quarter in which the foreign corporation, at any time in such quarter, ceases to be a foreign subsidiary as defined in paragraph (8).

Post, p. 1096.

“(4) **TERMINATION OF PERIOD BY SECRETARY.**—If the Secretary or his delegate finds that any domestic corporation which entered into an agreement pursuant to this subsection has failed to comply substantially with the terms of such agreement, the Secretary or his delegate shall give such domestic corporation not less than sixty days' advance notice in writing that the period covered by such agreement will terminate at the end of the calendar quarter specified in such notice. Such notice of termination may be revoked by the Secretary or his delegate by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of such revocation to the domestic corporation. No notice of termination or of revocation thereof shall be given under this paragraph to a domestic corporation without the prior concurrence of the Secretary of Health, Education, and Welfare.

“(5) **NO RENEWAL OF AGREEMENT.**—If any agreement entered into pursuant to paragraph (1) of this subsection is terminated in its entirety (A) by a notice of termination filed by the domestic corporation pursuant to paragraph (3), or (B) by a notice of termination given by the Secretary or his delegate pursuant to paragraph (4), the domestic corporation may not again enter into an agreement pursuant to paragraph (1). If any such agreement is terminated with respect to any foreign subsidiary, such agreement may not thereafter be amended so as again to make it applicable with respect to such subsidiary.

“(6) **DEPOSITS IN TRUST FUND.**—For purposes of section 201 of the Social Security Act, relating to appropriations to the Federal Old-Age and Survivors Insurance Trust Fund, such remuneration—

42 USC 401.

“(A) paid for services covered by an agreement entered into pursuant to paragraph (1) as would be wages if the services constituted employment, and

“(B) as is reported to the Secretary or his delegate pursuant to the provisions of such agreement or of the regulations issued under this subsection, shall be considered wages subject to the taxes imposed by this chapter.

“(7) OVERPAYMENTS AND UNDERPAYMENTS.—

“(A) If more or less than the correct amount due under an agreement entered into pursuant to this subsection is paid with respect to any payment of remuneration, proper adjustments with respect to the amounts due under such agreement shall be made, without interest, in such manner and at such times as may be required by regulations prescribed by the Secretary or his delegate.

“(B) If an overpayment cannot be adjusted under subparagraph (A), the amount thereof shall be paid by the Secretary or his delegate, through the Fiscal Service of the Treasury Department, but only if a claim for such overpayment is filed with the Secretary or his delegate within two years from the time such overpayment was made.

Ante, pp. 1052-1054, 1061.

“(8) DEFINITION OF FOREIGN SUBSIDIARY.—For purposes of this subsection and section 210 (a) of the Social Security Act, a foreign subsidiary of a domestic corporation is—

“(A) a foreign corporation more than 50 percent of the voting stock of which is owned by such domestic corporation; or

“(B) a foreign corporation more than 50 percent of the voting stock of which is owned by the foreign corporation described in subparagraph (A).

Ante, p. 1090.

“(9) DOMESTIC CORPORATION AS SEPARATE ENTITY.—Each domestic corporation which enters into an agreement pursuant to paragraph (1) of this subsection shall, for purposes of this subsection and section 6413 (c) (2) (C), relating to special refunds in the case of employees of certain foreign corporations, be considered an employer in its capacity as a party to such agreement separate and distinct from its identity as a person employing individuals on its own account.

“(10) REGULATIONS.—Regulations of the Secretary or his delegate to carry out the purposes of this subsection shall be designed to make the requirements imposed on domestic corporations with respect to services covered by an agreement entered into pursuant to this subsection the same, so far as practicable, as those imposed upon employers pursuant to this title with respect to the taxes imposed by this chapter.”

DEDUCTIONS FROM GROSS INCOME FOR PAYMENTS WITH RESPECT TO EMPLOYEES OF CERTAIN FOREIGN CORPORATIONS

68A Stat. 67.

SEC. 210. (a) The Internal Revenue Code of 1954 is amended by inserting after section 175 thereof the following new section:

“SEC. 176. PAYMENTS WITH RESPECT TO EMPLOYEES OF CERTAIN FOREIGN CORPORATIONS.

Ante, p. 1094.

“In the case of a domestic corporation, there shall be allowed as a deduction amounts (to the extent not compensated for) paid or incurred pursuant to an agreement entered into under section 3121 (1) with respect to services performed by United States citizens employed by foreign subsidiary corporations. Any reimbursement of any

amount previously allowed as a deduction under this section shall be included in gross income for the taxable year in which received."

(b) The table of sections to part VI of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

68A Stat. 45.

"Sec. 176. Payments with respect to employees of certain foreign corporations."

TITLE III—PROVISIONS RELATING TO PUBLIC ASSISTANCE

TEMPORARY EXTENSION OF 1952 MATCHING FORMULA

SEC. 301. Section 8 (e) of the Social Security Act Amendments of 1952 (Public Law 590, Eighty-second Congress) is amended by striking out "September 30, 1954" and inserting in lieu thereof "September 30, 1956".

66 Stat. 780.
42 USC 303 note.

TEMPORARY EXTENSION OF SPECIAL PROVISION RELATING TO STATE PLANS FOR AID TO THE BLIND

SEC. 302. Section 344 (b) of the Social Security Act Amendments of 1950 (Public Law 734, Eighty-first Congress) is amended by striking out "June 30, 1955" and inserting in lieu thereof "June 30, 1957".

64 Stat. 554.
42 U S C 1202a
note.

TECHNICAL AMENDMENTS

SEC. 303. (a) Sections 3 (b) (1), 403 (b) (1), and 1003 (b) (1) of the Social Security Act are each amended by striking out "one-half" and inserting in lieu thereof "the State's proportionate share".

42 U S C 303,
603, 1203.

(b) Section 3 (b) of such Act is amended (1) by striking out "clause (1) of subsection (a)" wherever it appears and inserting in lieu thereof "subsection (a)", (2) by striking out "such clause" in paragraph (1) and inserting "such subsection" in lieu thereof, and (3) by striking out "increased by five per centum" immediately before the period at the end of paragraph (3).

TITLE IV—MISCELLANEOUS PROVISIONS

AMENDMENTS PRESERVING RELATIONSHIP BETWEEN RAILROAD RETIREMENT AND OLD-AGE AND SURVIVORS INSURANCE

SEC. 401. (a) Section 1 (q) of the Railroad Retirement Act of 1937, as amended, is amended by striking out "1952" and inserting in lieu thereof "1954".

66 Stat. 777.
45 USC 228a.

(b) Section 2 (c) of the Railroad Retirement Act of 1937, as amended, is amended by striking out "six" and inserting in lieu thereof "twelve"; and subsection (5) (j) of such Act, as amended, is amended by striking out "sixth" and inserting in lieu thereof "twelfth". The amendments made by this subsection shall be applicable only in the case of applications for annuities under the Railroad Retirement Act filed after August 1954; except that no individual shall, by reason of such amendment, be entitled to any annuity for any month prior to February 1954.

45 USC 228b.

45 USC 228e.

(c) Section 5 (1) (9) of the Railroad Retirement Act of 1937, as amended, is amended by striking out "\$3,600" the second time it appears and inserting in lieu thereof "\$4,200".

60 Stat. 729.
45 USC 228e.

(d) Section 5 (i) (1) (ii) of the Railroad Retirement Act of 1937, as amended, is amended to read as follows:

Ante, pp. 1073,
1074, 1082.

Ante, p. 1077.

Ante, p. 1076.

Ante, pp. 1073,
1079, 1083, 1085.

“(ii) will have been under the age of seventy-two and for which month he is charged with any earnings under section 203 (e) of the Social Security Act or in which month he engaged on seven or more different calendar days in noncovered remunerative activity outside the United States (as defined in section 203 (k) of the Social Security Act); and for purposes of this subdivision the Board shall have the authority to make such determinations and such suspensions of payment of benefits in the manner and to the extent that the Secretary of Health, Education, and Welfare would be authorized to do so under section 203 (g) (3) of the Social Security Act if the individuals to whom this subdivision applies were entitled to benefits under section 202 of such Act;”.

CROSS REFERENCES TO REDESIGNATED PROVISIONS

26 USC; 68A
Stat.; 45 USC 228a-
228y.

SEC. 402. References in the Internal Revenue Code of 1939, the Internal Revenue Code of 1954, the Railroad Retirement Act of 1937, as amended, or any other law of the United States to any section or subdivision of a section of the Social Security Act redesignated by this Act shall be deemed to refer to such section or subdivision of a section as so redesignated.

SERVICE FOR CERTAIN TAX-EXEMPT ORGANIZATIONS PRIOR TO ENACTMENT OF THIS ACT

SEC. 403. (a) In any case in which—

68A Stat. 932,
163.

68A Stat. 938;
ante, p. 1094.

42 USC 410;
ante, pp. 1052-
1054, 1061.
68A Stat. 938;
ante, pp. 1091,
1092.

68A Stat. 938,
415, 416; *ante*, p.
1094.

68A Stat. 938;
ante, p. 1094.

(1) an individual has been employed, at any time subsequent to 1950 and prior to the enactment of this Act, by an organization which is exempt from income tax under section 101 (6) of the Internal Revenue Code of 1939 but which has failed to file prior to the enactment of this Act a waiver certificate under section 1426 (1) (1) of the Internal Revenue Code of 1939;

(2) the service performed by such individual as an employee of such organization during the period subsequent to 1950 and prior to 1955 would have constituted employment (as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939) if such organization had filed prior to the performance of such service such a certificate accompanied by a list of the signatures of employees who concurred in the filing of such certificate and such individual's signature had appeared on such list;

(3) the taxes imposed by sections 1400 and 1410 of the Internal Revenue Code of 1939 have been paid with respect to any part of the remuneration paid to such individual by such organization for such service;

(4) part of such taxes have been paid prior to the enactment of this Act:

(5) so much of such taxes as have been paid prior to the enactment of this Act have been paid by such organization in good faith and upon the assumption that a waiver certificate had been filed by it under section 1426 (1) (1) of the Internal Revenue Code of 1939; and

(6) no refund of such taxes has been obtained,
the amount of such remuneration with respect to which such taxes have been paid shall, upon the request of such individual (filed in such form and manner, and with such official, as may be prescribed by

regulations made under subchapter A of Chapter 9 of the Internal Revenue Code of 1939), be deemed to constitute remuneration for employment as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939.

26 USC 1400-1432.
68A Stat. 938, 415.
42 USC 410; ante, pp. 1052-1054, 1061.

(b) In any case in which—

(1) an individual has been employed, at any time subsequent to 1950 and prior to the enactment of this Act, by an organization which has filed a waiver certificate under section 1426 (1)

(1) of the Internal Revenue Code of 1939;

(2) the service performed by such individual during the time he was so employed would have constituted employment (as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939) if such individual's signature had appeared on the list of signatures of employees who concurred in the filing of such certificate;

(3) the taxes imposed by sections 1400 and 1410 of the Internal Revenue Code of 1939 have been paid prior to the enactment of this Act with respect to any part of the remuneration paid to such individual by such organization for such service; and

(4) no refund of such taxes has been obtained, the amount of such remuneration with respect to which such taxes have been paid shall, upon the request of such individual (filed on or before January 1, 1957, and in such form and manner, and with such official, as may be prescribed by regulations made under subchapter A of chapter 9 of the Internal Revenue Code of 1939), be deemed to constitute remuneration for employment as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939, and such individual shall be deemed to have concurred in the filing of the waiver certificate filed by such organization under section 1426 (1) (1) of the Internal Revenue Code of 1939.

STUDY OF FEASIBILITY OF PROVIDING INCREASED MINIMUM BENEFITS UNDER TITLE II

SEC. 404. (a) The Secretary of Health, Education, and Welfare shall conduct a full and complete study with a view to determining the feasibility of increasing the minimum old-age insurance benefit under title II of the Social Security Act to (1) \$55 per month, (2) \$60 per month, and (3) \$75 per month.

Study by HEW.

(b) Such study shall include (1) a detailed analysis of the estimated increase in cost, if any, involved in increasing such minimum benefit to each of the above referred to amounts, (2) estimates of the financial impact such increase would have upon the Old Age and Survivors Insurance Trust Fund, and (3) an estimate of the amount, if any, by which Federal grants to the States for public assistance would be reduced by reason of such increase in minimum old-age insurance benefits.

(c) The Secretary shall report to the Congress at the earliest practicable date the results of the study provided for by this section.

Report to Congress.

Approved September 1, 1954.

42 USC 401-421.

Public Law 762

CHAPTER 1207

AN ACT

To provide for the termination of Federal supervision over the property of certain tribes, bands, and colonies of Indians in the State of Utah and the individual members thereof, and for other purposes.

September 1, 1954
[S. 2670]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of

Paiute Indians, Utah.
Termination of Federal supervision.

this Act is to provide for the termination of Federal supervision over the trust and restricted property of certain tribes and bands of Indians located in the State of Utah and the individual members thereof, for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of such Indians, and for a termination of Federal services furnished such Indians because of their status as Indians.

SEC. 2. For the purposes of this Act—

(a) "Tribe" means any of the following tribes or bands of Indians located in the State of Utah: Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of the Paiute Indian Tribe.

(b) "Secretary" means the Secretary of the Interior.

(c) "Lands" means real property, interests therein, or improvements thereon, and include water rights.

(d) "Individual Indian" means any individual Indian whose name appears on the final roll prepared pursuant to section 3 of this Act.

(e) "Tribal property" means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribe and either is held by the United States in trust for the tribe or is subject to a restriction against alienation imposed by the United States.

Tribal rolls.

Publication in
FR.

SEC. 3. Each tribe shall have a period of six months from the date of this Act in which to prepare and submit to the Secretary a proposed roll of the members of the tribe living on the date of this Act, which shall be published in the Federal Register. If a tribe fails to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribe, which shall be published in the Federal Register. Any person claiming membership rights in the tribe or an interest in its assets, or a representative of the Secretary on behalf of any such person, may, within sixty days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals by the Secretary, the roll of the tribe shall be published in the Federal Register, and such roll shall be final for the purposes of this Act.

Tribal property
rights.

SEC. 4. Upon publication in the Federal Register of the final roll as provided in section 3 of this Act, the rights or beneficial interests in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 5 of this Act without the approval of the Secretary. Any contract made in violation of this section shall be null and void.

Property dis-
position plan.

SEC. 5. (a) The Secretary shall, within six months after the publication of each final membership roll, notify the tribe of the period of time during which the tribe may study means of disposition of tribal property, real and personal, under supervision of the United States. Such period shall not be less than three months and not more than two years, including any authorized extension of the original periods. The Secretary is authorized to provide such reasonable assistance as may be requested by the tribe in the formulation of a plan for the disposition or future control and management of the property, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Utah and political subdivisions thereof, and members of the tribe. During such period, the tribe may elect—

(1) to apply to the Secretary for the transfer to a corporation or other legal entity organized by the tribe in a form satisfactory to the Secretary of title to all or any part of the tribal property, and the Secretary is authorized to make such transfer: *Provided*, That the Secretary of the Interior shall not approve any form of organization that provides for the transfer of stock or an undivided share in corporate assets as compensation for services of agents or attorneys unless such transfer is based upon an appraisal of tribal assets that is satisfactory to the Secretary;

(2) to apply to the Secretary for the transfer to one or more trustees designated by the tribe of title to all or any part of the tribal property, real and personal, the title to be held by such trustee for management or liquidation purposes under terms and conditions prescribed by the tribe, and the Secretary is authorized to make such transfer if he approves the trustees and the terms and conditions of the trust;

(3) to apply to the Secretary for the sale of all or any part of the tribal property, and for the pro rata distribution among the members of the tribe of all or any part of the proceeds of sale or of any other tribal funds, and the Secretary is authorized and directed to sell such property upon such terms and conditions as he deems proper and to make such distribution among the members of the tribe after deducting, in his discretion, reasonable costs of sale and distribution; and

(4) to apply to the Secretary for a division of all or any part of the tribal land into parcels for members and for public purposes, together with a general plan for the subdivision showing the approximate size, location, and number of parcels, and the Secretary is authorized to issue patents for that purpose.

(b) Title to any tribal property that is not transferred in accordance with the provisions of subsection (a) of this section shall be transferred by the Secretary either to all members of the tribe as tenants in common or to one or more trustees designated by him for the liquidation and distribution of assets among the members of the tribe under such terms and conditions as the Secretary may prescribe: *Provided*, That the trust agreement shall provide for the termination of the trust not more than three years from the date of such transfer unless the term of the trust is extended by order of a judge of a court of record designated in the trust agreement.

(c) When approving or disapproving the selection of trustees in accordance with the provisions of subsection (a) of this section, and when designating trustees pursuant to subsection (b) of this section, the Secretary shall give due regard to the laws of the State of Utah that relate to the selection of trustees: *Provided further*, That the trust agreement shall provide that at any time before the sale of tribal property by the trustees the tribe may notify the trustees that it elects to retain such property and to transfer title thereto to a corporation, other legal entity, or trustee in accordance with the provisions of paragraphs (1) and (2) of subsection (a) of this section, and that the trustees shall transfer title to such property in accordance with the notice from the tribe if it is approved by the Secretary.

(d) Notwithstanding any other provision of this section, the Secretary is directed to reserve subsurface rights in tribal property from any sale or division of such property, and to require any trustee or trustees to whom title to tribal property is transferred to retain title to the subsurface rights in such property for not less than 10 years.

SEC. 6. (a) The Secretary is authorized and directed to transfer within two years after the date of this Act to each member of each

Selection of
trustees.

Reservation of
subsurface rights.

Personal prop-
erty control.

tribe unrestricted control of funds or other personal property held in trust for such member by the United States.

Land restrictions, removal.

(b) All restrictions on the sale or encumbrance of trust or restricted land owned by members of the tribe (including allottees, heirs, and devisees, either adult or minor) are hereby removed two years after the date of this Act, and the patents or deeds under which titles are then held shall pass the titles in fee simple, subject to any valid encumbrance: *Provided*, That the provisions of this subsection shall not apply to subsurface rights in such lands, and the Secretary is directed to transfer such subsurface rights to one or more trustees designated by him for management for a period not less than 10 years. The title to all interests in trust or restricted land acquired by members of the tribe by devise or inheritance two years or more after the date of this Act shall vest in such members in fee simple, subject to any valid encumbrance.

(c) Prior to the time provided in subsection (b) of this section for the removal of restrictions on land owned by more than one member of a tribe, the Secretary may—

(1) upon request of any of the owners, partition the land and issue to each owner a patent or deed for his individual share that shall become unrestricted two years from the date of this Act;

(2) upon request of any of the owners and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold at not less than the appraised value thereof and distribute the proceeds of sale to the owners: *Provided*, That any one or more of the owners may elect before a sale to purchase the other interests in the land at not less than the appraised value thereof, and the purchaser shall receive an unrestricted patent or deed to the land; and

(3) if the whereabouts of none of the owners can be ascertained, cause such lands to be sold and deposit the proceeds of sale in the Treasury of the United States for safekeeping

Probate, etc.
25 USC 372 et
seq.

SEC. 7. (a) The Act of June 25, 1910 (36 Stat. 855), the Act of February 14, 1913 (37 Stat. 678), and other Acts amendatory thereto shall not apply to the probate of the trust and restricted property of the members of a tribe who die six months or more after the date of this Act.

(b) The laws of the several States, Territories, possessions, and the District of Columbia with respect to the probate of wills, the determination of heirs, and the administration of decedents' estates shall apply to the individual property of members of the tribe who die six months after the date of this Act.

Federally-owned
property.
Transfer.

SEC. 8. The Secretary is authorized, in his discretion, to transfer to a tribe or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribe which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary to public use and from which members of the tribes will derive benefit.

Taxes.

SEC. 9. No property distributed under the provisions of this Act shall at the time of distribution be subject to Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the individual, corporation, or other legal entity shall be subject to the same taxes, State and Federal, as in the case of non-Indians: *Provided*, That for the purpose of capital gains or losses the base

value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.

SEC. 10. Nothing contained in this Act shall deprive any Indian tribe, band, or other identifiable group of American Indians of any right, privilege, or benefit granted by the Indian Claims Commission Act of August 13, 1946 (ch. 959, 60 Stat. 1049), including the right to pursue claims against the United States as authorized by said Act.

25 USC 70 et
seq.

SEC. 11. Nothing in this Act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved. Whenever any such instrument places in or reserves to the Secretary any powers, duties, or other functions with respect to the property subject thereto, the Secretary may transfer such functions, in whole or in part, to any Federal agency with the consent of such agency and may transfer such function, in whole or in part, to a State agency with the consent of such agency and the other party or parties to such instrument.

Prior leases,
etc.

Transfer of func-
tions.

SEC. 12. Nothing in this Act shall abrogate any water rights of a tribe or its members.

Water rights.

SEC. 13. Prior to the transfer of title to, or the removal of restrictions from, property in accordance with the provisions of this Act, the Secretary shall protect the rights of members of a tribe who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs by causing the appointment of guardians in courts of competent jurisdiction, or by such other means as he may deem adequate.

Guardians.

SEC. 14. Pending the completion of the property dispositions provided for in this Act, the funds now on deposit, or hereafter deposited, in the United States Treasury to the credit of the tribe shall be available for advance to the tribe, or for expenditure, for such purposes as may be designated by the governing body of the tribe and approved by the Secretary.

Advances of
funds.

SEC. 15. The Secretary shall have authority to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments as may be necessary or appropriate to carry out the provisions of this Act, or to establish a marketable and recordable title to any property disposed of pursuant to this Act.

Execution of pat-
ents, etc.

SEC. 16. The Secretary is authorized and directed to cancel any indebtedness payable to the United States by the tribe arising out of any loan made by the United States to such tribe, and any indebtedness, whether payable to the United States or to the tribe, arising out of a loan made from the proceeds thereof to an individual Indian.

Cancellation of
indebtedness.

SEC. 17. (a) Upon removal of Federal restrictions on the property of each tribe and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to the affairs of the tribe and its members has terminated. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

Termination of
Federal trust.
Publication in
FR.

(b) Nothing in this Act shall affect the status of the members of the tribe as citizens of the United States, or shall affect their rights, privileges, immunities, and obligations as such citizens.

Status as citi-
zens.

Revocation of
charter.
25 USC 461-479.

SEC. 18. (a) Effective on the date of the proclamation provided for in section 17 of this Act, the corporate charter issued pursuant to the Act of June 18, 1934 (48 Stat. 984), as amended, to the Kanosh Band of Paiute Indians of the Kanosh Reservation, Utah, and ratified by the band on August 15, 1943, and to the Shivwits Band of Paiute Indians of the Shivwits Reservation, Utah, and ratified by the band on August 30, 1941, are hereby revoked.

Action under
tribal constitu-
tion.

(b) Effective on the date of the proclamation provided for in section 17 of this Act, all powers of the Secretary or other officer of the United States to take, review, or approve any action under the constitution and bylaws of the tribe are hereby terminated. Any powers conferred upon the tribe by such constitution which are inconsistent with the provisions of this Act are hereby terminated. Such termination shall not affect the power of the tribe to take any action under its constitution and bylaws that is consistent with this Act without the participation of the Secretary or other officer of the United States.

Rules and regu-
lations.

SEC. 19. The Secretary is authorized to issue rules and regulations necessary to effectuate the purposes of this Act, and may in his discretion provide for tribal referenda on matters pertaining to management or disposition of tribal assets.

25 USC 461-479.

SEC. 20. All Acts or parts of Acts inconsistent with this Act are hereby repealed insofar as they affect the tribe or its members. The Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), shall not apply to the tribe and its members after the date of the proclamation provided for in section 17 of this Act.

Separability.

SEC. 21. If any provision of this Act, or the application thereof, to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Irrigation works.
Discontinuance.

SEC. 22. (a) Not later than two years after the date of this Act, the management and operation of irrigation works for Indian lands of the tribe by the Bureau of Indian Affairs shall be discontinued. Upon such discontinuance, the Secretary shall cancel the unpaid irrigation operation and maintenance assessments and reimbursable irrigation construction charges against such lands.

Transfer of title.

(b) The Secretary may transfer the title to such irrigation works to water users, water user's associations organized for such purpose, or to corporations organized, or trustees designated, as provided in section 5.

Educational pro-
gram.

SEC. 23. Prior to the issuance of a proclamation in accordance with the provisions of section 17 of this Act, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribe to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

Approved September 1, 1954.

Public Law 763

CHAPTER 1208

AN ACT

To provide certain employment benefits for employees of the Federal Government, and for other purposes.

September 1, 1954
[H. R. 2263]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fringe benefits
for Government
employees.

TITLE I—AMENDMENTS TO CLASSIFICATION ACT OF 1949

NUMBER OF POSITIONS IN GRADES 16, 17, AND 18 OF THE GENERAL SCHEDULE

SEC. 101. (a) Section 505 of the Classification Act of 1949, as amended, is amended to read as follows:

63 Stat. 959.
5 USC 1105.

“SEC. 505. (a) No position shall be placed in grade 16 or 17 of the General Schedule except by action of, or after prior approval by, the Commission.

Grades 16-18.

“(b) No position shall be placed in or removed from grade 18 of the General Schedule except by the President upon recommendation of the Commission.

“(c) At any one time there shall not be more than four hundred positions in grade 16 of the General Schedule, not more than one hundred and fifteen positions in grade 17 of the General Schedule, and not more than thirty-five positions in grade 18 of the General Schedule.

Number of posi-
tions.

“(d) Positions that may be established under the proviso of section 203 (b) (1) of the Act of August 2, 1946 (60 Stat. 836), may be in addition to those authorized by the foregoing provisions of this section.”

2 USC 166.

(b) The amendment made by subsection (a) shall not affect positions allocated to grades 16, 17, and 18 of the General Schedule of the Classification Act of 1949, as amended, pursuant to provisions of law (other than the Classification Act of 1949, as amended) and reorganization plans in effect prior to the effective date of this section.

5 USC 1112.

LONGEVITY STEP-INCREASES

SEC. 102. (a) (1) Subsection (a) of section 703 of the Classification Act of 1949, as amended, is amended by striking out the words “change of grade or rate of basic compensation except such change as may be prescribed by any provision of law of general application” and inserting in lieu thereof the words “increase in grade or rate of basic compensation except such increase as may be prescribed by any provision of law of general application”.

5 USC 1123(a).

(2) Subsection (b) (1) of section 703 of the Classification Act of 1949, as amended, is amended to read as follows:

“(b) (1) No officer or employee shall be entitled to a longevity step-increase while holding a position in any grade above grade 15 of the General Schedule.”

Grades above 15.

(b) The amendments made by subsection (a) shall become effective at the beginning of the first pay period following the date of enactment of this Act.

Effective date.

SEC. 103. (a) Section 704 of the Classification Act of 1949, as amended, is amended to read as follows:

5 USC 1124.

“SEC. 704. In the case of officers and employees in grades 11 to 15, inclusive, of the General Schedule who are receiving compensation at or above the maximum scheduled rates for their respective grades on the date immediately preceding the effective date of this amendatory section, not to exceed three years of service performed immedi-

Grades 11-15.

ately preceding such effective date shall be counted toward longevity step-increases under section 703. Notwithstanding subsection (b) (4) of section 703, longevity step-increases for grade 15 of the General Schedule shall be \$200."

Effective date.

(b) The amendment made by subsection (a) shall become effective at the beginning of the first pay period following the date of enactment of this Act.

RECRUITMENT ABOVE THE MINIMUM RATE OF THE CLASS

5 USC 1132 note.

SEC. 104. Section 803 of the Classification Act of 1949, as amended, is amended to read as follows:

"SEC. 803. (a) Whenever the Commission shall find (1) that a sufficient number of qualified eligibles for positions in a given class cannot be secured in one or more areas or locations at the existing minimum rate for such class, and (2) that there is a possibility that a sufficient number of such eligibles can be secured by increasing the minimum rate for such class in such areas or locations to one of the higher rates within the grade in which such class is placed, the Commission may establish such higher rate as the minimum rate for that class in each area or location concerned.

"(b) Minimum rates established under subsection (a) may be revised from time to time by the Commission. Such actions or revisions shall have the force and effect of law.

"(c) Any increase in rate of basic compensation resulting from the establishment of minimum rates under this section shall not be regarded as an 'equivalent increase' in compensation within the meaning of section 701 (a)."

5 USC 1121.

EXCLUSION FROM CLASSIFICATION ACT OF 1949 OF CRAFTS, TRADES, AND LABOR POSITIONS AND APPLICATION OF PREVAILING WAGE POLICY TO SUCH POSITIONS

5 USC 1082.

SEC. 105. (a) Paragraph (7) of section 202 of the Classification Act of 1949, as amended, is amended to read as follows:

"(7) employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement, and employees in the Bureau of Engraving and Printing the duties of whom are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations: *Provided*, That the compensation of such employees shall be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates: *Provided further*, That whenever the Civil Service Commission concurs in the opinion of the employing agency that in any given area the number of such employees is so few as to make prevailing rate determinations impracticable, such employee or employees shall be subject to the provisions of this Act which are applicable to positions of equivalent difficulty or responsibility."

5 USC 1084.

(b) Section 204 (c) of the Classification Act of 1949, as amended, is amended to read as follows:

Supra.

5 USC 1083.

"(c) Section 202 (except paragraph (7) thereof) and section 203 shall not apply to the Office of the Architect of the Capitol."

TRANSFER OF CERTAIN POSITIONS FROM THE CRAFTS, PROTECTIVE, AND
CUSTODIAL SCHEDULE TO THE GENERAL SCHEDULE

SEC. 106. (a) Not earlier than the first day of the second pay period which begins after the date of enactment of this Act, and not later than the first day of the first pay period which begins more than six months after the date of enactment of this Act, all positions in the Crafts, Protective, and Custodial Schedule of the Classification Act of 1949, as amended, not excluded from such Act by section 202 (7) thereof, as amended by section 105 of this title, shall be placed in corresponding grades of the General Schedule as set forth below:

5 USC 1111 *et*
seq.
Ante, p. 1106.

Grade of the Crafts, Protective, and Custodial Schedule	Corresponding new grade of the General Schedule
1-----	1
2-----	1
3-----	1
4-----	2
5-----	3
6-----	4
7-----	5
8-----	6
9-----	7
10-----	8

(b) The rates of basic compensation of officers and employees to whom this section applies shall be initially adjusted as follows:

Basic compensation.

(1) If the employee is receiving a rate of basic compensation in the Crafts, Protective, and Custodial Schedule which is less than the minimum scheduled rate of that grade in the General Schedule in which his position is placed, his compensation shall be increased to such minimum rate;

(2) If the employee is receiving a rate of basic compensation in the Crafts, Protective, and Custodial Schedule which is equal to one of the scheduled or longevity rates of that grade in the General Schedule in which his position is placed, he shall receive a rate of basic compensation at such scheduled or longevity rate;

(3) If the employee is receiving a rate of basic compensation in the Crafts, Protective, and Custodial Schedule at a rate between two scheduled or two longevity rates, or between a scheduled rate and a longevity rate, of that grade in the General Schedule in which his position is placed, he shall receive a rate of basic compensation at the higher of such two rates;

(4) If the employee is receiving a rate of basic compensation in the Crafts, Protective, and Custodial Schedule in excess of the maximum longevity rate of that grade in the General Schedule in which his position is placed, he shall continue to receive basic compensation without change in rate until (A) he leaves such position, or (B) he is entitled to receive basic compensation at a higher rate by reason of the operation of the Classification Act of 1949, as amended; but when such position becomes vacant the rate of basic compensation of any subsequent appointee shall be fixed in accordance with such Act, as amended.

(c) The conversion to grades of the General Schedule of positions covered by this section, and the initial adjustments in compensation as prescribed herein, shall not be construed to be transfers or promotions within the meaning of section 802 (b) of the Classification Act of 1949, as amended, and the regulations issued thereunder.

5 USC 1132.

ABOLISHMENT OF CRAFTS, PROTECTIVE, AND CUSTODIAL SCHEDULE

5 USC 1111.

SEC. 107. Section 601 of the Classification Act of 1949, as amended, is amended to read as follows:

"SEC. 601. There is hereby established for positions to which this Act applies a basic compensation schedule, to be known as the 'General Schedule', the symbol for which shall be 'GS'."

5 USC 1112.

SEC. 108. (a) Section 602 of the Classification Act of 1949, as amended, is amended by striking out "(a)" after "SEC. 602."

Repeal.

(b) Subsection (b) of such section 602 is hereby repealed.

5 USC 1113.

SEC. 109. (a) Subsection (a) of section 603 of the Classification Act of 1949, as amended, is amended to read as follows:

"(a) The rates of basic compensation with respect to officers, employees, and positions to which this Act applies shall be in accordance with the compensation schedule contained in subsection (b)."

Repeal.

(b) Subsection (c) of such section 603 is hereby repealed.

(c) Subsection (d) of such section 603 is amended to read as follows:

"(c) Whenever payment is made on the basis of a daily, hourly, weekly, biweekly, or monthly rate, such rate shall be computed from the appropriate annual rate specified in subsection (b) by the method prescribed in section 604 (d) of the Federal Employees Pay Act of 1945, as amended."

59 Stat. 304.
5 USC 944.

Effective dates.

SEC. 110. (a) Section 105 of this title shall take effect on the date or dates specified by the head of a department, but not earlier than the first day of the second pay period which begins after the date of enactment of this Act, and not later than the first day of the first pay period which begins more than twelve months after the date of enactment of this Act, with respect to each employee and position in such department within the purview of such section 105.

(b) Sections 107, 108, and 109 of this title shall take effect, with respect to employees and positions in a department, upon the completion of the actions required by sections 105 and 106 of this title to be taken with respect to such employees and positions, but in no event later than the first day of the first pay period which begins more than twelve months after the date of enactment of this Act.

MISCELLANEOUS PROVISIONS

5 USC 1114.

SEC. 111. Section 604 of the Classification Act of 1949, as amended, is amended to read as follows:

"SEC. 604. Employees receiving basic compensation at a rate authorized by law, immediately prior to the effective date of this title, in excess of the appropriate new rate of the grade as determined under paragraphs (1) to (10), inclusive, of section 604 (b) of this Act, as in effect prior to the date of enactment of this amended section, may continue to receive such rate so long as they remain in the same position and grade, but when any such position becomes vacant, the rate of basic compensation of any subsequent appointee shall be fixed in accordance with this Act."

5 USC 1123,
1132.

SEC. 112. Sections 703 (c) and 802 (b) of the Classification Act of 1949, as amended, are amended by striking out "section 604 (b) (11)" and inserting in lieu thereof "section 604"

CSC regulations.

SEC. 113. The Civil Service Commission is hereby authorized to issue such regulations as may be necessary for the administration of this title.

Basic compensation,
decrease.

SEC. 114. Nothing contained in this title shall be construed to decrease the existing rate of basic compensation of any present employee, but when his position becomes vacant any subsequent

appointee to such position shall be compensated in accordance with the scale of pay applicable to such position.

SEC. 115. The term "department" shall have the same meaning in this title as when used in the Classification Act of 1949, as amended.

5 USC 1071 note.

TITLE II—AMENDMENTS TO THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED

SEC. 201. This title may be cited as the "Federal Employees Pay Act Amendments of 1954".

Short title.

SEC. 202. (a) Subsection (a) of section 101 of the Federal Employees Pay Act of 1945, as amended, is amended by striking out "titles II and III" and inserting in lieu thereof "titles II, III, and IV".

59 Stat. 295.
5 USC 901.

(b) Subsection (b) of such section 101 is hereby repealed.

Repeal.

COMPENSATION FOR OVERTIME WORK

SEC. 203. Section 201 of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

5 USC 911.

"SEC. 201. All hours of work officially ordered or approved in excess of forty hours in any administrative workweek performed by officers and employees to whom this title applies shall be considered to be overtime work and compensation for such overtime work, except as otherwise provided for in this Act, shall be at the following rates:

"(1) For each officer and employee whose basic compensation is at a rate which does not exceed the minimum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, the overtime hourly rate of compensation shall be an amount equal to one and one-half times the hourly rate of basic compensation of such officer or employee, and all of such amount shall be considered premium compensation.

5 USC 1113.

"(2) For each officer and employee whose basic compensation is at a rate which exceeds the minimum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, the overtime hourly rate of compensation shall be an amount equal to one and one-half times the hourly rate of such minimum scheduled rate of basic compensation, and all of such amount shall be considered premium compensation."

SEC. 204. Section 202 (a) of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

5 USC 912.

"SEC. 202. (a) The head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the municipal government of the District of Columbia, or the head of any legislative or judicial agency to which this title applies, (1) may, at the request of any officer or employee, grant such officer or employee compensatory time off from his scheduled tour of duty in lieu of payment for an equal amount of time spent in irregular or occasional overtime work, and (2) may, at his own discretion, provide that any officer or employee, whose rate of basic compensation is in excess of the maximum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, shall be compensated for irregular or occasional overtime work for which compensation would be due under this Act with an equal amount of compensatory time off from his scheduled tour of duty in lieu of such compensation."

Irregular over-
time.

SEC. 205. (a) Section 203 of the Federal Employees Pay Act of 1945, as amended, is redesignated as section 205, and wherever such section number appears in such Act or in any other provision of law it is amended to conform to the redesignation prescribed by this subsection.

5 USC 913; post,
p. 1110.

(b) The Federal Employees Pay Act of 1945, as amended, is amended by inserting after section 202 thereof the following new sections:

"CALL-BACK OVERTIME

"SEC. 203. For the purposes of this Act, any unscheduled overtime work performed by any officer or employee on a day when no work was scheduled for him, or for which he is required to return to his place of employment, shall be considered to be at least two hours in duration.

"TIME IN TRAVEL STATUS

"SEC. 204. For the purposes of this Act, time spent in a travel status away from the official-duty station of any officer or employee shall be considered as hours of employment only when (1) within the days and hours of such officer's or employee's regularly scheduled administrative workweek, including regularly scheduled overtime hours, or (2) when the travel involves the performance of work while traveling or is carried out under arduous conditions."

COMPENSATION FOR NIGHT AND HOLIDAY WORK

5 USC 921.

SEC. 206. Section 301 of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

Post, p. 1111.

58 Stat. 648.
31 USC 180.

"SEC. 301. (a) Any regularly scheduled work between the hours of six o'clock postmeridian and six o'clock antemeridian (including periods of absence with pay during such hours due to holidays, and any such hours within periods of leave with pay if such periods total less than eight hours during any pay period) shall be considered night-work, except as provided in subsection (b), and any officer or employee performing such work to whom this title applies shall be compensated for such work at his rate of basic compensation plus premium compensation amounting to 10 per centum of such rate, unless otherwise provided in title IV of this Act. This section shall not operate to modify the provisions of the Act of July 1, 1944 (Public Law Numbered 394, Seventy-eighth Congress), or any other law authorizing additional compensation for nightwork.

"(b) The head of any department, independent establishment, or agency, including Government-owned or controlled corporations, may designate any time after six o'clock postmeridian and any time before six o'clock antemeridian as the beginning and end, respectively, of nightwork for the purpose of subsection (a) at any post outside the several States and the District of Columbia where customary hours of business extend into the hours of nightwork provided by such subsection."

5 USC 922.

SEC. 207. Section 302 of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

Ante, p. 1109.

"SEC. 302. (a) All work not exceeding eight hours, which is not overtime work as defined in section 201 of this Act and which is performed on a holiday designated by Federal statute or Executive order, shall be compensated at the rate of basic compensation of the officer or employee performing such work on a holiday plus premium compensation at a rate equal to the rate of basic compensation of such officer or employee.

Supra.

"(b) Any officer or employee who is required to perform any work on such a holiday shall be compensated for at least two hours of such work, and any such premium compensation due under the provisions of this section shall be in addition to any premium compensation which may be due for the same work under the provisions of section 301 of this Act providing premium compensation for nightwork.

“(c) Overtime work, as defined in section 201 of this Act, on Sundays and such holidays shall be compensated in accordance with the provisions of such section 201.”

Ante, p. 1109.

SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK

SEC. 208. (a) The Federal Employees Pay Act of 1945, as amended, is amended by inserting after title III thereof a new title to read as follows:

5 USC 901 note.

“TITLE IV—SPECIAL PROVISIONS FOR CERTAIN TYPES OF WORK

“SEC. 401. The head of any department, independent establishment, or agency, including Government-owned or controlled corporations, or of the municipal government of the District of Columbia may, with the approval of the Civil Service Commission, provide that—

Premium compensation.

“(1) any officer or employee in a position requiring him regularly to remain at, or within the confines of, his station during longer than ordinary periods of duty, a substantial part of which consists of remaining in a standby status rather than performing work, shall receive premium compensation for such duty on an annual basis in lieu of premium compensation provided by any other provisions of this Act. Premium compensation under this paragraph shall be determined as an appropriate percentage (not in excess of 25 per centum) of such part of the rate of basic compensation for any such position as does not exceed the minimum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, by taking into consideration the number of hours of actual work required in such position, the number of hours required in a standby status at or within the confines of the station, the extent to which the duties of such position are made more onerous by night or holiday work, or by being extended over periods of more than forty hours a week, and any other relative factors; or

“(2) any officer or employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amounts of irregular, unscheduled, overtime duty and duty at night and on holidays with the officer or employee generally being responsible for recognizing, without supervision, circumstances which require him to remain on duty, shall receive premium compensation for such duty on an annual basis in lieu of premium compensation provided by any other provisions of this Act, except for regularly scheduled overtime duty. Premium compensation under this paragraph shall be determined as an appropriate percentage (not in excess of 15 per centum) of such part of the rate of basic compensation for any such position as does not exceed the minimum scheduled rate of basic compensation provided for grade GS-9 in the Classification Act of 1949, as amended, by taking into consideration the frequency and duration of night, holiday, and unscheduled overtime duty required in such position.”

(b) Nothing contained in this section shall be construed to decrease the existing aggregate rate of compensation of any present employee, but when the position of such employee becomes vacant any subsequent appointee thereto shall receive premium compensation provided for such position in accordance with this section.

Compensation decrease.

LIMITATION ON PREMIUM COMPENSATION

5 USC 943.

SEC. 209. Section 603 of the Federal Employees Pay Act of 1945, as amended, and the heading immediately preceding such section are amended to read as follows:

“LIMITATION ON PREMIUM COMPENSATION

5 USC 1113.

“SEC. 603. (a) No premium compensation provided by this Act shall be paid to any officer or employee whose rate of basic compensation equals or exceeds the maximum scheduled rate of basic compensation provided for grade GS-15 in the Classification Act of 1949, as amended.

“(b) In the case of any officer or employee whose rate of basic compensation is less than the maximum scheduled rate of basic compensation provided for grade GS-15 in the Classification Act of 1949, as amended, such premium compensation may be paid only to the extent that such payment would not cause his aggregate rate of compensation to exceed such maximum scheduled rate with respect to any pay period.”

WORK SCHEDULES

5 USC 944.

SEC. 210. (a) The heading immediately preceding section 604 of the Federal Employees Pay Act of 1945, as amended, is amended to read as follows:

“ESTABLISHMENT OF BASIC WORKWEEK; WORK SCHEDULES; PAY
COMPUTATION METHODS”

(b) Section 604 (a) of the Federal Employees Pay Act of 1945, as amended, is amended by inserting “(1)” after “(a)” and by adding at the end thereof a new paragraph as follows:

“(2) Except where the head of each such department, establishment, or agency and of the municipal government of the District of Columbia determines that his organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide, with respect to all officers and employees in his organization, (A) that assignments to tours of duty shall be scheduled in advance over periods of not less than one week, (B) that the basic forty-hour workweek shall be scheduled on five days, which shall be Monday through Friday wherever possible, and the two days outside the basic workweek shall be consecutive, (C) that the working hours in each day in the basic workweek shall be the same, (D) that the basic nonovertime workday shall not exceed eight hours, (E) that the occurrence of holidays shall not affect the designation of the basic workweek, and (F) that breaks in working hours of more than one hour shall not be scheduled in any basic workday.”

Effective date.

SEC. 211. This title shall become effective at the beginning of the first pay period which begins more than sixty days after the date of enactment of this Act.

TITLE III—GOVERNMENT EMPLOYEES' INCENTIVE
AWARDS

Short title.

SEC. 301. This title may be cited as the “Government Employees' Incentive Awards Act”.

CSC report to
President.

SEC. 302. The departmental awards program set forth in this title shall be carried out under such regulations and instructions as may be issued by the United States Civil Service Commission which shall annually report the results of the program, with related recommendations, to the President for transmittal to the Congress.

SEC. 303. As used in this title, the term "department" means an executive department or independent agency in the executive branch of the Government, including a Government-owned or controlled corporation (but not including the Tennessee Valley Authority), and also includes (a) the Administrative Office of the United States Courts, (b) the Library of Congress, (c) the Botanic Garden, (d) the Government Printing Office, (e) the Office of the Architect of the Capitol, and (f) the municipal government of the District of Columbia.

"Department."

SEC. 304. (a) The head of each department is authorized to pay cash awards to, and to incur necessary expenses for the honorary recognition of, civilian officers and employees of the Government who by their suggestions, inventions, superior accomplishments, or other personal efforts contribute to the efficiency, economy, or other improvement of Government operations or who perform special acts or services in the public interest in connection with or related to their official employment.

Departmental awards.

(b) In instances determined by the President to warrant such action, he is authorized to pay cash awards to, and to incur necessary expenses for the honorary recognition of, civilian officers and employees of the Government who by their suggestions, inventions, superior accomplishments, or other personal efforts contribute to the efficiency, economy, or other improvement of Government operations, or who perform exceptionally meritorious special acts or services in the public interest in connection with or related to their official employment, and any such Presidential awards may be in addition to the departmental awards authorized in subsection (a) of this section.

Presidential awards.

(c) Awards under this section may be paid notwithstanding the death or separation from the service of the officer or employee concerned: *Provided*, That the suggestions, inventions, superior accomplishments, other personal efforts, or special acts or services in the public interest forming the basis for the awards are made or rendered while the officer or employee is in the employ of the Government.

(d) A cash award under this section shall be in addition to the regular compensation of the recipient and the acceptance of such cash award shall constitute an agreement that the use by the Government of the United States or the municipal government of the District of Columbia of any idea, method or device for which the award is made shall not form the basis of a further claim of any nature upon the Government of the United States or the municipal government of the District of Columbia by the employee, his heirs, or assigns.

(e) Awards to employees and expenses for the honorary recognition of employees may be paid from the funds or appropriations available to the activity primarily benefiting or may be paid from the several funds or appropriations of the various activities benefiting as may be determined by the President for awards under subsection (b) of this section, and by the head of the department concerned for awards under subsection (a) of this section.

Honorary recognition.

(f) An award under this title shall be given due weight in qualifying and selecting employees for promotion.

Promotion.

(g) A monetary award granted under this title shall not exceed \$5,000, except that an award in excess of such amount but not in excess of \$25,000 may be granted, with the approval of the Commission, in special cases in which the head of a department certifies to the Commission that the suggestion, invention, superior accomplishment, or other meritorious effort for which such award is proposed to be made is highly exceptional and unusually outstanding.

Maximum monetary award.

SEC. 305. The following laws and parts of laws are hereby repealed:

Repeals.

(a) Sections 702, 1002, and 1003 of the Classification Act of 1949 (63 Stat. 954; 5 U. S. C. 1122, 1152, 1153).

(b) Section 14 of the Act entitled "An Act to authorize certain administrative expenses in the Government service, and for other purposes", approved August 2, 1946 (60 Stat. 809; 5 U. S. C. 116a).

(c) The Act entitled "An Act authorizing payments of rewards to postal employees for inventions", approved December 3, 1945 (59 Stat. 591; 39 U. S. C. 813).

(d) The Act entitled "An Act authorizing the Secretary of War to pay a cash award for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing process or plant", approved July 17, 1912 (37 Stat. 193; 50 U. S. C. 58).

(e) The Act entitled "An Act to provide equitable compensation for useful suggestions or inventions by personnel of the Department of the Interior", approved June 26, 1944 (58 Stat. 360; 5 U. S. C. 500).

(f) Subsections (a) and (b) of section 35 of the Act entitled "An Act to enact certain provisions now included in the Naval Appropriation Act, 1946, and for other purposes", approved August 2, 1946 (60 Stat. 857; 5 U. S. C. 416).

(g) The joint resolution entitled "Joint Resolution to provide cash awards to personnel of the Maritime Commission and the War Shipping Administration for useful suggestions to improve administration of their activities", approved March 13, 1944 (58 Stat. 115; 46 U. S. C. 1111b).

(h) All other laws or parts of laws inconsistent with this Act are hereby repealed to the extent of such inconsistency.

SEC. 306. The enactment of this title shall not affect the right of any employee to an award granted him under any provision of law repealed by this title.

Effective date.

SEC. 307. This title shall take effect on the ninetieth day after the date of its enactment.

TITLE IV—UNIFORM ALLOWANCES

Short title.

SEC. 401. This title may be cited as the "Federal Employees Uniform Allowance Act".

Appropriation.

SEC. 402. There is hereby authorized to be appropriated annually to each agency of the Government of the United States or of the District of Columbia (including Government-owned corporations), upon a showing of the necessity or desirability thereof, an amount not to exceed \$100 multiplied by the number of the employees of such agency who are required by regulation existing on the date of enactment of this Act or by law to wear a prescribed uniform in the performance of his or her official duties and who are not being furnished with such uniform. The head of any agency to which any such appropriation is made shall, out of funds made available by such appropriation, (1) furnish to each such employee such uniform at a cost not to exceed \$100 per annum, or (2) pay to each such employee an allowance for defraying the expenses of acquisition of such uniform at such times and in such amounts, not to exceed \$100 per annum, as may be prescribed in accordance with rules and regulations promulgated pursuant to section 404. Where the furnishing of a uniform or the payment of a uniform allowance is authorized under any other provision of law or regulation existing on the date of enactment of this Act, the head of the agency may in his discretion continue the furnishing of such uniform or the payment of such allowance under such law or regulation, but where a uniform is furnished or allowance paid under any such law or regulation no uniform shall be furnished or allowance paid under this section.

SEC. 403. Allowances paid under this title shall not be considered as pay, salary, or compensation within the meaning of the Civil Service Retirement Act of May 29, 1930, as amended, or as wages within the meaning of section 209 of the Social Security Act, as amended, or chapters 21 and 24 of the Internal Revenue Code of 1954.

SEC. 404. The Director of the Bureau of the Budget is authorized and directed to promulgate such rules and regulations as may be necessary to provide for the uniform administration of this title.

46 Stat. 468; 64 Stat. 492.
5 USC 691 note;
42 USC 409.
68 A Stat. 415, 455.

TITLE V—ANNUAL LEAVE

SEC. 501. Clause (6) of section 2 of the Act of August 3, 1950, as amended by section 5 of the Act of July 2, 1953, is amended to read as follows: "(6) payment for all accumulated and current accrued annual or vacation leave equal to the compensation the decedent would have received had he remained in the service until the expiration of the period of such annual or vacation leave; except that such lump-sum payment shall not include compensation for any period of accumulated leave in excess of thirty days, plus current accrued leave, or in excess of the number of days of accumulated leave to which he is entitled on the date of separation (excluding accumulated leave earned in the 1954 leave year and thereafter), plus current accrued leave, whichever is the greater."

67 Stat. 138.
5 USC 61g.

SEC. 502. Section 6 of the Act of July 2, 1953 (Public Law 102, Eighty-third Congress), is hereby repealed.

5 USC 2062b.

SEC. 503. Section 501 of this title shall take effect as of September 1, 1953.

Effective date.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. (a) Section 2 (b) of the Performance Rating Act of 1950 (5 U. S. C., sec. 2001) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following:

64 Stat. 1098.

"(12) The Central Intelligence Agency."

(b) Section 9 of the Central Intelligence Agency Act of 1949, as amended (50 U. S. C., sec. 403i), is hereby repealed.

Repeal.

SEC. 602. (a) Subsection (a) of section 1310 of the Supplemental Appropriation Act, 1952 (Public Law 253, Eighty-second Congress), as amended, is amended to read as follows:

65 Stat. 757.
5 USC 43 note.

"(a) The Civil Service Commission and the heads of the executive departments, agencies, and corporations shall make full use of their authority to require that initial appointments to positions in and outside the competitive civil service shall be made on other than a permanent basis in order to prevent increases in the number of permanent personnel of the Federal Government in excess of 10 per centum above the total number of permanent employees on September 1, 1950: *Provided*, That any position vacated by a permanent employee called to military service or transferred to a national defense agency shall not be filled except on a temporary or indefinite basis. All appointments, reinstatements, transfers, and promotions to positions subject to the Classification Act of 1949 shall be made with the condition and notice to each individual appointed, reinstated, transferred, or promoted that the classification grade of the position is subject to post-audit and correction by the appropriate departmental or agency personnel office or the Civil Service Commission."

63 Stat. 954.
5 USC 1071 note.

(b) Such section 1310 is further amended by adding at the end thereof the following new subsection:

58 Stat. 387.
5 USC 851 note.

“(e) This section does not and shall not be construed to amend or modify the Veterans’ Preference Act of 1944 (Public Law 359, Seventy-eighth Congress), as amended.”

Ante, p. 736.

SEC. 603. The Official Reporters of the proceedings and debates of the Senate and their employees shall be considered to be officers or employees in or under the legislative branch of the Government within the meaning of the provisions of section 2 (a) of the Federal Employees’ Group Life Insurance Act of 1954.

24 Stat. 492.

SEC. 604. The Act entitled “An Act authorizing the employment of mail messengers in the postal service”, approved March 3, 1887 (39 U. S. C., sec. 578), is amended by adding at the end thereof the following new paragraph:

“The Postmaster General may, in his discretion and under such regulations as he may prescribe, readjust the compensation of the holder of any contract for the performance of mail-messenger service on account of increased or decreased costs occasioned by changed conditions which could not reasonably have been anticipated at the time such contract was made.”

Approved September 1, 1954.

Public Law 764

CHAPTER 1209

AN ACT

September 1, 1954
[H. R. 6287]

To extend and amend the Renegotiation Act of 1951.

Renegotiation
Act of 1951, ex-
tension, etc.
65 Stat. 7.
50 USC app.
1212.
Aggregate
amounts.
50 USC app.
1215.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 102 of the Renegotiation Act of 1951 is hereby amended by striking out “December 31, 1953” and inserting in lieu thereof “December 31, 1954.”

SEC. 2. (a) Section 105 (f) (1) of such Act is amended by striking out “\$250,000” wherever it appears therein and inserting in lieu thereof the following: “\$250,000, in the case of a fiscal year ending before June 30, 1953, or \$500,000, in the case of a fiscal year ending on or after June 30, 1953”.

(b) Section 105 (f) (3) of such Act is amended by inserting, in the second sentence thereof, after “the \$250,000 amount” the following: “, the \$500,000 amount,”.

Exemptions.
50 USC app.
1216.

SEC. 3. (a) Paragraph (6) of section 106 (a) of such Act is hereby amended by inserting immediately following the second period therein the following: “In designating those classes and types of contracts which shall be exempt and in exempting any individual contract under this paragraph, the Board shall consider as not having a direct or immediate connection with national defense any contract for the furnishing of materials or services to be used by the United States, a Department or agency thereof, in the manufacture and sale of synthetic rubbers to a private person or to private persons which are to be used for nondefense purposes. If the use by such private person or persons shall be partly for defense and partly for nondefense purposes, the Board shall consider as not having a direct or immediate connection with national defense that portion of the contract which is determined not to have been used for national defense purposes. The method used in making such determination shall be subject to approval by the Board.”

(b) The amendment made by subsection (a) shall be effective as if it were a part of such Renegotiation Act of 1951 on the date of its enactment.

SEC. 4. (a) Paragraph (1) of section 106 (c) of such Act is hereby amended by striking out "from subcontracts" and inserting in lieu thereof "from contracts or subcontracts."

Durable productive equipment.

(b) Paragraph (1) of section 106 (c) of such Act is further amended by inserting "(A)" after the word "except" and by adding before the period at the end of such paragraph the following: "and (B) to receipts and accruals from contracts for new durable productive equipment in cases in which the Board finds that the new durable productive equipment covered by such contracts cannot be adapted, converted, or retooled for commercial use".

(c) Paragraph (2) of such section 106 (c) is hereby amended to read as follows:

"(2) DEFINITION.—For the purpose of this subsection, the term 'durable productive equipment' means machinery, tools, or other equipment which does not become a part of an end product, or of an article incorporated therein, and which has an average useful life of more than five years."

(d) The amendments made by subsections (a), (b), and (c) shall apply only with respect to fiscal years (as defined in section 103 (h) of the Renegotiation Act of 1951) ending on or after June 30, 1953.

50 USC app. 1213.

SEC. 5. (a) Section 106 (a) of such Act is hereby amended—

50 USC app. 1216.

(1) by striking out, in paragraph (7), "by reason of this subsection." and inserting in lieu thereof "by reason of any paragraph, other than paragraph (8), of this subsection; or"; and

(2) by adding at the end of such section the following:

"(8) any contract or subcontract for the making or furnishing of a standard commercial article, unless the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will not reasonably prevent excessive profits. This paragraph shall apply to any such contract or subcontract only if (1) the contractor or subcontractor files, at such time and in such form and detail as the Board shall by regulations prescribe, such information and data as may be required by the Board under its regulations for the purpose of enabling it to reach a decision with respect to the making of a specific finding under this paragraph, and (2) within a period of six months after the date of filing of such information and data, the Board fails to make a specific finding that competitive conditions affecting the sale of such article are such as will not reasonably prevent excessive profits, or (3) within such six-month period, the Board makes a specific finding that competitive conditions affecting the sale of such article are such as will reasonably prevent excessive profits. Any contractor or subcontractor may waive the exemption provided in this paragraph with respect to receipts or accruals in any fiscal year by including a statement to such effect in the financial statement filed by such contractor or subcontractor for such fiscal year pursuant to section 105 (e) (1). Any specific finding of the Board under this paragraph shall not be reviewed or redetermined by any court or agency other than by the Tax Court of the United States in a proceeding for a redetermination of the amount of excessive profits determined by an order of the Board. For the purpose of this paragraph—

Standard commercial articles. Excessive profits.

50 USC app. 1215.

"(A) the term 'article' includes any material, part, component, assembly, machinery, equipment, or other personal property;

“(B) the term ‘standard commercial article’ means an article—

“(1) which, in the normal course of business, is customarily manufactured for stock, and is customarily maintained in stock by the manufacturer or any dealer, distributor, or other commercial agency for the marketing of such article; or

“(2) which is manufactured and sold by more than two persons for general civilian industrial or commercial use, or which is identical in every material respect with an article so manufactured and sold;

“(C) the term ‘identical in every material respect’ means of the same kind, manufactured of the same or substitute materials, and having the same industrial or commercial use or uses, without necessarily being of identical specifications; and

“(D) the term ‘persons’ does not include any person under control of, or controlling, or under common control with any other person considered for the purposes of subparagraph (B) (2) of this paragraph.”

(b) The amendments made by subsection (a) shall apply to contracts with the Departments and subcontracts only to the extent of the amounts received or accrued by a contractor or subcontractor after December 31, 1953.

50 USC app.
1216.
Common carriers
by water.

SEC. 6. (a) Section 106 (a) (4) of such Act is hereby amended by striking out “; or” at the end thereof and inserting the following: “and to such furnishing or sale in any case in which the Board finds that the regulatory aspects of rates for such furnishing or sale, or the type and nature of the contract for such furnishing or sale, are such as to indicate, in the opinion of the Board, that excessive profits are improbable; or”.

50 USC app.
1213.

(b) The amendment made by subsection (a) shall apply only with respect to fiscal years (as defined in section 103 (h) of the Renegotiation Act of 1951) ending on or after December 31, 1953.

50 USC app.
1215.
Voiding of agree-
ment.

SEC. 7. (a) Section 105 (d) of such Act is hereby amended by striking out the period at the end of the last sentence thereof and inserting the following: “, and shall also have the power to set aside and declare null and void any such agreement if, upon a request made to the Board within three years from the date of such agreement, the Board finds as a fact that the aggregate of the amounts received or accrued by the other party to such agreement during the fiscal year covered by such agreement was not more than the minimum amounts subject to renegotiation specified in section 105 (f) for such fiscal year.”

(b) The amendment made by subsection (a) shall be effective as if it were a part of the Renegotiation Act of 1951 on the date of its enactment.

66 Stat. 753.
50 USC app.
1231.
Savings provi-
sion.

SEC. 8. Section 201 (h) of such Act is hereby amended by striking out “two years” and inserting in lieu thereof “four years”, and by adding at the end thereof the following new sentence: “If any such case has been dismissed by any court for failure to substitute for the War Contracts Price Adjustment Board prior to the effective date of this sentence, such case is hereby revived and reinstated in such court as if it had not been dismissed.”

Approved September 1, 1954.

Public Law 765

CHAPTER 1210

AN ACT

To provide for family quarters for personnel of the military departments of the Department of Defense and their dependents, and for other purposes.

September 1, 1954
[H. R. 9924]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Army, Navy, Air
Force family hous-
ing.

TITLE I

SEC. 101. The Secretary of the Army is authorized further to develop military installations and facilities by providing family housing for personnel of the military departments and their dependents by the construction or installation of public works, which include site preparation, appurtenances, utilities, equipment and the acquisition of land, as follows:

Army.

CONTINENTAL UNITED STATES

(Third Army Area)

Fort Campbell, Kentucky: Three hundred units of family housing, \$4,093,000.

(Fourth Army Area)

Fort Bliss, Texas: Two hundred and fifty units of family housing, \$3,213,000.

Fort Hood, Texas: Six hundred units of family housing, \$8,099,000.

(Fifth Army Area)

Camp Carson, Colorado: One thousand units of family housing, \$13,427,000.

Camp Crowder, Missouri: Seventy units of family housing, \$952,000.

(Sixth Army Area)

Fort Lewis, Washington: Eight hundred units of family housing, \$10,686,000.

Camp Cooke (United States Disciplinary Barracks), California: Fifty units of family housing, \$663,000.

Yuma Test Station, Arizona: Twenty units of family housing, \$267,000.

(Quartermaster Corps)

Belle Mead General Depot, New Jersey: Ten units of family housing, \$158,000.

(Chemical Corps)

Dugway Proving Ground, Utah: Thirty units of family housing, \$486,000.

(Signal Corps)

Fort Huachuca, Arizona: Two hundred units of family housing, \$2,899,000.

Department of the Army Transmitting Station, Virginia: Ten units of family housing, \$164,000.

(Corps of Engineers)

Fort Belvoir, Virginia: Three hundred units of family housing, \$3,984,000.

(Transportation Corps)

Fort Eustis, Virginia: Two hundred and fifty units of family housing, \$3,374,000.

Wilmington Ammunition Terminal, North Carolina: Four units of family housing, \$69,000.

(Army Security Agency)

Two Rock Ranch Station, California: Ten units of family housing, \$160,000.

(Armed Forces Special Weapons Project)

Sandia Base, New Mexico: Three units of family housing, \$79,000.
Killeen Base, Texas: Five units of family housing, \$99,000.

(Tactical Sites)

Various locations: Three hundred units of family housing, \$3,990,000.

Rehabilitation of
public works.

SEC. 102. The Secretary of the Army is authorized further to develop military installations and facilities by providing family housing for personnel of the military departments and their dependents by the rehabilitation of public works, which include appurtenances, utilities, and equipment, in a total amount of \$12,230,550: *Provided*, That in his discretion the Secretary of the Army may utilize the authorization contained in this section to provide family housing by the construction or installation of public works, which include site preparation, appurtenances, utilities, equipment, and acquisition of land, at locations to be determined by him. Such family housing shall be in addition to, but shall not exceed 5 per centum of, the total number of units authorized by section 101 of this Act, but the average cost of such additional units shall not exceed \$12,500.

TITLE II

Navy.

SEC. 201. The Secretary of the Navy is authorized further to develop naval installations and facilities by providing family housing for personnel of the military departments and their dependents by the construction or installation of public works, which include site preparation, appurtenances, utilities, equipment, and the acquisition of land as follows:

CONTINENTAL UNITED STATES

(First Naval District)

Naval hospital, Newport, Rhode Island: Ten units of family housing, \$152,000.

(Third Naval District)

Naval hospital, Saint Albans, New York: Ten units of family housing, \$152,000.

(Fourth Naval District)

Naval shipyard, Philadelphia, Pennsylvania: Twenty-five units of family housing, \$321,300.

Naval hospital, Philadelphia, Pennsylvania: Ten units of family housing, \$152,000.

(Fifth Naval District)

Naval hospital, Camp Lejeune, North Carolina: Fifty units of family housing, \$642,500.

Marine Corps air facility, New River, North Carolina: Thirty-five units of family housing, \$473,300.

Naval hospital, Portsmouth, Virginia: Ten units of family housing, \$152,000.

Naval mine depot, Yorktown, Virginia (Skiffes Creek Annex): Five units of family housing, \$91,200.

(Sixth Naval District)

Naval air station, Cecil Field, Florida: Ninety units of family housing, \$1,192,200.

Naval hospital, Jacksonville, Florida: Thirty units of family housing, \$397,300.

Naval air station, Key West, Florida: Twenty units of family housing, \$273,900.

Naval station, Key West, Florida: Eighty units of family housing, \$1,044,500.

Naval mine countermeasures station, Panama City, Florida: Twenty-five units of family housing, \$343,100.

Naval hospital, Pensacola, Florida: Twenty-five units of family housing, \$321,300.

Naval supply corps school, Athens, Georgia: Thirty units of family housing, \$456,000.

Naval auxiliary air station, Glynco, Georgia: Eighty units of family housing, \$1,058,600.

Naval construction battalion center, Gulfport, Mississippi: Seven units of family housing, \$102,100.

Marine Corps auxiliary air station, Beaufort, South Carolina: One hundred and seventy-five units of family housing \$2,305,600.

Naval hospital, Beaufort, South Carolina: Fifty units of family housing, \$654,300.

(Eighth Naval District)

Naval auxiliary air station, Chase Field, Texas: Eighty units of family housing, \$1,073,400.

(Eleventh Naval District)

Naval amphibious base, Coronado, California: Two units of family housing, \$47,300.

Naval air station, Miramar, California: Fifteen units of family housing, \$204,500.

Naval hospital, San Diego, California: Ten units of family housing, \$152,000.

(Twelfth Naval District)

Naval hospital, Oakland, California: Ten units of family housing, \$152,000.

Naval supply center, Oakland, California: Ten units of family housing, \$152,000.

Naval communication station, Skaggs Island, California: Fifty units of family housing, \$666,000.

Naval auxiliary air station, Fallon, Nevada: Sixty units of family housing, \$787,500.

MARINE CORPS FACILITIES

Marine Corps depot of supplies, Albany, Georgia: One hundred units of family housing, \$1,339,800.

Marine Corps supply annex, Barstow, California: One unit of family housing, \$27,000.

Marine Corps recruit depot, San Diego, California: Twelve units of family housing, \$173,400.

Marine Corps school, Quantico, Virginia: Three hundred units of family housing, \$4,121,700.

OUTSIDE CONTINENTAL UNITED STATES

(Atlantic Ocean Area)

Naval station, Argentia, Newfoundland: Forty-five units of family housing, \$595,100.

Naval base, Guantanamo Bay, Cuba: One hundred units of family housing, \$1,379,000.

(Pacific Ocean Area)

Naval station, Kwajalein, Marshall Islands: One hundred and seventy-five units of family housing, \$2,289,100.

Marine Corps barracks, Pearl Harbor, Territory of Hawaii: Two units of family housing, \$30,400.

Rehabilitation of
public works.

SEC. 202. The Secretary of the Navy is authorized further to develop naval installations and facilities by providing family housing for personnel of the military departments and their dependents by the rehabilitation of public works, which include appurtenances, utilities, and equipment, in a total amount of \$1,218,300: *Provided*, That in his discretion the Secretary of the Navy may utilize the authorization contained in this section to provide family housing by the construction or installation of public works, which include site preparation, appurtenances, utilities, equipment and acquisition of land, at locations to be determined by him. Such family housing shall be in addition to, but shall not exceed 5 per centum of, the total number of units authorized by section 201 of this Act, but the average cost of such additional units shall not exceed \$12,500.

TITLE III

Air Force.

SEC. 301. The Secretary of the Air Force is authorized further to develop Air Force installations and facilities by providing family housing for personnel of the military departments and their dependents by the construction or installation of public works, which include site preparation, appurtenances, utilities, equipment, and the acquisition of land as follows:

CONTINENTAL UNITED STATES

(Strategic Air Command)

Sedalia Air Force Base, Missouri: Four hundred units of family housing, \$5,364,000.

Altus Air Force Base, Oklahoma: Three hundred and sixty units of family housing, \$4,827,600.

Lincoln Air Force Base, Nebraska: Four hundred units of family housing, \$5,364,000.

Smoky Hill Air Force Base, Kansas: Two hundred and eighty units of family housing, \$3,754,800.

Dow Air Force Base, Maine: Three hundred units of family housing, \$4,023,000.

Lake Charles Air Force Base, Louisiana: Two hundred units of family housing, \$2,682,000.

Davis-Monthan Air Force Base, Arizona: Five units of family housing, \$108,000.

Fairchild Air Force Base, Washington: Five units of family housing, \$108,000.

Great Falls Air Force Base, Montana: Four units of family housing, \$87,750.

Hunter Air Force Base, Georgia: Five units of family housing, \$108,000.

Columbus Air Force Base, Mississippi: Thirty units of family housing, \$402,300.

Larson Air Force Base, Washington: Five units of family housing, \$108,000.

Limestone Air Force Base, Maine: Four units of family housing, \$87,750.

Lockbourne Air Force Base, Ohio: Four units of family housing, \$87,750.

Mather Air Force Base, California: Four units of family housing, \$87,750.

Mountain Home Air Force Base, Idaho: Four units of family housing, \$81,000.

Nellis Air Force Base, Nevada: Five units of family housing, \$108,000.

Travis Air Force Base, California: Six units of family housing, \$128,250.

(Air Defense Command)

Suffolk County Air Force Base, New York: One hundred units of family housing, \$1,341,000.

Otis Air Force Base, Massachusetts: Two hundred units of family housing, \$2,682,000.

Newcastle County Airport, Delaware: One hundred units of family housing, \$1,341,000.

Truax Air Force Base, Wisconsin: One hundred units of family housing, \$1,341,000.

Kinross Air Force Base, Michigan: Ninety units of family housing, \$1,206,900.

Paine Air Force Base, Washington: Seventy units of family housing, \$938,700.

Oxnard Air Force Base, California: Seventy units of family housing, \$938,700.

Ent Air Force Base, Colorado: Ninety units of family housing, \$1,206,900.

Youngstown Municipal Airport, Ohio: Fifty units of family housing, \$670,500.

Greater Pittsburgh Airport, Pennsylvania: Fifty units of family housing, \$670,500.

Niagara Municipal Airport, New York: Fifty units of family housing, \$670,500.

Minneapolis-Saint Paul Airport, Minnesota: Seventy units of family housing, \$938,700.

Duluth Municipal Airport, Minnesota: One hundred units of family housing, \$1,341,000.

Geiger Field, Washington: Fifty units of family housing, \$670,500.

Sioux City Municipal Airport, Iowa: Fifty units of family housing, \$670,500.

Presque Isle Air Force Base, Maine: Fifty units of family housing, \$670,500.

McGee-Tyson Airport, Tennessee: Fifty units of family housing, \$670,500.

Portland International Airport, Oregon: Sixty units of family housing, \$804,600.

Minot area, North Dakota: Sixty-five units of family housing, \$871,650.

Wurtsmith Air Force Base, Michigan: Fifty units of family housing, \$670,500.

(Tactical Air Command)

Clovis Air Force Base, New Mexico: One hundred and seventy units of family housing, \$2,279,700.

Hurlburt Air Force Base, Florida: Two hundred and seventy-five units of family housing, \$3,687,750.

Foster Air Force Base, Texas: Two hundred units of family housing, \$2,682,000.

McGuire Air Force Base, New Jersey: Five units of family housing, \$108,000.

Shaw Air Force Base, South Carolina: Five units of family housing, \$108,000.

(Air Training Command)

Luke Air Force Base, Arizona: One hundred and twenty-five units of family housing, \$1,676,250.

Laredo Air Force Base, Texas: One hundred units of family housing, \$1,341,000.

Gary Air Force Base, Texas: One hundred units of family housing, \$1,341,000.

Laughlin Air Force Base, Texas: One hundred and fifty units of family housing, \$2,011,500.

Greenville Air Force Base, Mississippi: One hundred and twenty units of family housing, \$1,609,200.

Moody Air Force Base, Georgia: One hundred and forty units of family housing, \$1,877,400.

Stead Air Force Base, Nevada: Ninety units of family housing, \$1,206,900.

McConnell Air Force Base, Kansas: One hundred and fifty units of family housing, \$2,011,500.

Webb Air Force Base, Texas: Eighty-five units of family housing, \$1,139,850.

Parks Air Force Base, California: Eighty-five units of family housing, \$1,139,850.

(Military Air Transport Service)

Charleston Air Force Base, South Carolina: Four hundred and fifty units of family housing, \$6,034,500.

(Continental Air Command)

Beale Air Force Base, California: Two hundred and twenty-five units of family housing, \$3,017,250.

(Research and Development Command)

Kirtland Air Force Base, New Mexico: Five units of family housing, \$108,000.

TITLE IV

SEC. 401. The Secretaries of the Army, Navy, and Air Force are respectively authorized to proceed with the further development of military, naval, and Air Force installations and facilities as authorized by titles I, II, and III of this Act without regard to the provisions of sections 1136, 3648, and 3734, as respectively amended, of the Revised Statutes, and prior to approval of title to underlying land, as provided by section 355, as amended, of the Revised Statutes. The authority to provide family housing by the construction or installation of public works shall include authority to acquire lands and rights and interests thereto or therein, including the temporary use thereof, by donation, purchase, exchange of Government-owned lands, or otherwise.

10 USC 1339; 31
USC 529; 40 USC
259.
33 USC 733.

SEC. 402. There is hereby authorized to be appropriated not to exceed \$175,000,000 to carry out the purposes of titles I, II, and III, and not to exceed \$15,000,000 to carry out the purposes of section 408 of this Act.

Appropriation.

SEC. 403. Any of the approximate costs enumerated in titles I, II, and III of this Act may, in the discretion of the Secretary concerned, be varied upward by 10 per centum, but the total of all costs shall not exceed the total amount authorized to be appropriated by this Act.

SEC. 404. Not to exceed two hundred and fifty of the units of family quarters constructed under the authority of titles I, II, and III of this Act shall have a net floor area of not to exceed two thousand and one hundred square feet. None of the other family quarters authorized to be constructed by this Act shall have a net floor area in excess of one thousand two hundred and fifty square feet, and the average net floor area of all of such other family quarters shall not exceed one thousand and eighty square feet.

Net floor areas.

SEC. 405. Appropriation made to carry out the purpose of this Act shall be available for expenses incident to construction or rehabilitation work authorized by this Act, including administration, overhead, planning, and supervision.

Administrative
funds, etc.

SEC. 406. Whenever—

(a) the President determines that compliance with the requirements of Public Law 245, Eighty-second Congress, in the case of contracts made pursuant to this Act with respect to the establishment or development of military installations and facilities in foreign countries would interfere with the carrying out of the provisions of this Act; and

65 Stat. 700,
41 USC 254, 153.

(b) the Secretary of Defense and the Comptroller General have agreed upon alternative methods for conducting an adequate audit of such contracts, the President is authorized to exempt such contracts from the requirements of Public Law 245, Eighty-second Congress.

SEC. 407. The Secretary of Defense is authorized, subject to the approval of the Director of the Bureau of the Budget, to construct, or acquire by lease or otherwise, family housing, in addition to family housing otherwise authorized to be constructed or acquired by the Department of Defense in foreign countries, to the value of \$25,000,000 through the use of foreign currencies in accordance with the provisions of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, Eighty-third Congress).

Use of foreign
currencies.

Ante, p. 454.

The Department of Defense shall reimburse the Commodity Credit Corporation in a dollar amount equivalent to the value of the foreign currencies used during any fiscal year pursuant to the authority contained in this section. For the purpose of such reimbursement, the

Reimbursement
of CCC.

Reports to Congress.

Department of Defense may utilize appropriations otherwise available for the payment of quarters allowances for military personnel.

The Secretary of Defense shall furnish to the Committees on Armed Services of the Senate and the House of Representatives a quarterly report, the first of which shall be submitted three months subsequent to the date of enactment of this Act, setting forth the cost, number, and location of housing units constructed or acquired pursuant to the authority contained in this section during the three-month period preceding the date of such report, and setting forth the cost, number, and location of the housing units intended to be constructed or acquired pursuant to such authority during the next succeeding quarter.

Trailers.

SEC. 408. The Secretaries of the military departments are authorized to acquire a total of not to exceed five thousand units of trailers which may be made available at locations both inside and outside continental United States for occupancy by military personnel and their dependents on a rental basis without loss of any allowances for quarters.

Approved September 1, 1954.

Public Law 766

CHAPTER 1211

AN ACT

September 1, 1954
[H. R. 8753]

To amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to establish and operate motor vehicle pools and systems and to provide office furniture and furnishings when agencies are moved to new locations, to direct the Administrator to report the unauthorized use of Government motor vehicles, and to authorize the United States Civil Service Commission to regulate operators of Government-owned motor vehicles, and for other purposes.

Federal Property and Administrative Services Act of 1949, amendments. 40 USC 471. Motor vehicle pools.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 378), is amended by adding after the comma following the words "traffic management" the following: "establishment of pools or systems for transportation of Government personnel and property by motor vehicle within specific areas,".

40 USC 491.

SEC. 2. The text of section 211 of the Federal Property and Administrative Services Act of 1949, as added by the Act of September 5, 1950 (64 Stat. 583), is amended to read as follows:

"(a) In order to carry out the policy, expressed in section 2 of this Act, to provide for an economical and efficient system for transportation of Government personnel and property, it is further intended by the Congress in enacting this section to (1) provide for the proper identification of Government motor vehicles; (2) establish effective means of limiting their use to official governmental purposes; (3) reduce the number of Government-owned vehicles to the minimum necessary for transaction of the public business; (4) provide wherever practicable for centrally operated interagency pools or systems for local transportation of Government personnel and property; and (5) establish procedures to insure safe operation of motor vehicles on Government business.

Determinations by Administrator.

"(b) Subject to regulations issued by the President pursuant to subsection (c), the Administrator shall in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, after consultation with and with due regard to the program activities of the agencies concerned, (1) consolidate, take over, acquire, or arrange for the operation by any executive agency of, motor vehicles and other related equipment and supplies for the purpose of establishing motor vehicle pools and systems to serve the needs of executive agencies; and

(2) provide for the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems for transportation of property or passengers, and for furnishing such motor vehicle and related services to executive agencies. Such motor vehicle services may be furnished, as determined by the Administrator, through the use, under rental or other arrangements, of motor vehicles of private fleet operators, taxicab companies, local or interstate common carriers, or Government-owned motor vehicles, or combinations thereof. The Administrator shall, so far as practicable, provide any of the services specified in this subsection to any Federal agency, mixed ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, upon its request.

“(c) The President shall, within ninety days after the effective date of this section, issue regulations under this section to establish procedures for the taking effect of determinations made by the Administrator pursuant to subsection (b). Such regulations shall provide for adequate notice to executive agencies of any determinations affecting them or their functions; for independent review and decision as directed by the President of any determination not mutually agreed upon between the Administrator and the agency concerned, including exemption of any agency, in whole or in part, from any determination; and for enforcement of determinations becoming effective under such regulations. No determination made pursuant to subsection (b) shall be binding upon any agency except as provided in such regulations.

“(d) The General Supply Fund provided for in section 109 shall be available for use by or under the direction and control of the Administrator for paying all elements of cost (including the purchase or rental price of motor vehicles and other related equipment and supplies) incident to the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems for transportation of property or passengers, and to the furnishing of such motor vehicles and equipment and related services pursuant to subsection (b). Payments by requisitioning agencies so served shall be at prices fixed by the Administrator at levels which will recover so far as practicable all such elements of cost: *Provided*, That the purchase price of motor vehicles and other equipment specified in this subsection shall be recovered only through charge for the cost of amortization: *And provided further*, That such costs shall be determined in accordance with the accrual accounting method and financial reports shall be prepared on the basis of such accounting.

“(e) Any determination made by the Administrator pursuant to subsection (b) shall set forth in writing an analytical justification for the establishment, maintenance, and operation of each such motor vehicle pool and system. Such justification shall include a detailed comparison of estimated costs of present and proposed modes of operation, and a showing that savings can be realized by the establishment, maintenance, and operation of such pool or system.

“(f) Whenever any such motor vehicle pool or system has been established pursuant to subsection (b), the Administrator shall maintain accurate records of the cost of its establishment, maintenance, and operation. If, during any reasonable period, not exceeding two successive fiscal years, no actual savings are realized on the basis of the accounting for costs provided in subsection (d) the Administrator shall discontinue such motor vehicle pool or system, and shall return to the agency or agencies involved motor vehicles and related equipment and supplies similar in kind and of a value reasonably comparable to the value of the motor vehicles and related equipment and supplies theretofore received by the Administrator from such agency or agencies.

59 Stat. 600.
31 USC 856.

Regulations.

Payment of
costs.
63 Stat. 382.
5 USC 630g.

Justifications.

Cost records.

Discontinuance
when no savings
realized.

Reimbursement
for vehicles, etc.

“(g) Whenever the Administrator takes over pursuant to subsection (b) any motor vehicle or other related equipment or supplies from any Government corporation, or from any other agency if such vehicle, equipment or supplies have been acquired by such agency through expenditures made from, and not theretofore reimbursed to, any revolving or trust fund authorized by law, the Administrator shall reimburse such corporation or fund by an amount equal to the fair market value of the vehicle, equipment or supplies so taken over. If thereafter, pursuant to subsection (f), the Administrator returns to such corporation or agency any motor vehicle, equipment or supplies, the Administrator shall be reimbursed by the payment to him, by such corporation or from such fund, of an amount equal to the fair market value of the vehicle, equipment or supplies so returned.

“(h) When reimbursement is not required under subsection (g), the value, as determined by the Administrator, of any motor vehicle or other related equipment or supplies taken over under authority of subsection (b) may be added to the capital of the General Supply Fund, and in the event that property similar in kind is subsequently returned pursuant to subsection (f), the value thereof may be deducted from the General Supply Fund.

Scrip, tokens,
etc.

“(i) The Administrator, in the operation of motor vehicle pools or systems, may make provision for the furnishing, sale, and use of scrip, tokens, tickets, and similar devices for the making of payment by using agencies for services rendered by the Administrator in the transportation of property or passengers.

Operating regula-
tions.

“(j) The United States Civil Service Commission shall issue regulations to govern executive agencies in authorizing civilian personnel to operate Government-owned motor vehicles for official purposes within the continental United States, its Territories, and possessions. Such regulations shall prescribe standards of physical fitness for authorized operators and may require operators and prospective operators to obtain such State and local licenses or permits as would be required for the operation by them of similar vehicles for other than official purposes. The head of each executive agency shall issue such orders and directives as may be necessary to comply with such regulations and shall make appropriate provision therein for periodically testing the physical fitness of operators and prospective operators and for the suspension and revocation of authorizations to operate.

Identification.

“(k) Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (1) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (2) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend ‘For official use only’: *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used.

Exemption.

Violations.

“(l) Whenever, during the regular course of his duties, there shall come to the knowledge of the Administrator any violation of the provisions of section 5 of the Act of July 16, 1914, as amended (5 U. S. C. 78), or of section 641 of title 18 of the United States Code involving the conversion by a Government official or employee of a Government-owned or leased motor vehicle to his own use or the use of others, the Administrator shall report such violation to the head of the agency in

60 Stat. 810.

62 Stat. 725.

which the official or employee concerned is employed, for further investigation and either appropriate disciplinary action under such section 5 or, where appropriate, referral to the Attorney General for prosecution under such section 641.

“(m) Members of the uniformed services (as defined in the Career Compensation Act of 1949, as amended) may be directed by appropriate regulation of the head of the executive agency in which they are serving to secure transportation necessary in conducting official Government business within the limits of their duty stations. Expenses so incurred by such members for train, bus, streetcar, taxicab, ferry, bridge, and similar fares and tolls, or for use of privately owned vehicles at a fixed rate per mile, shall be defrayed by the agency in which they are serving, or the personnel so directed shall be reimbursed for such expenses.”

Uniformed services.
63 Stat. 802.
37 USC 231.

SEC. 3. Section 210 of such Act, as amended, is amended by adding at the end thereof the following new subsection:

64 Stat. 580.
40 USC 490.

“(g) Whenever an agency, or an organizational unit thereof, occupying a substantial and identifiable segment of space (building, floor, wing, and so forth) in a location controlled for purposes of assignment of space by the Administrator, is moved to such a substantial and identifiable segment of space in the same or another location so controlled by the Administrator, furniture and furnishings used by the moving agency or unit shall be moved only if the Administrator, after consultation with the head of the agency concerned, and with due regard for the program activities of such agency, shall determine that suitable replacements cannot more economically and efficiently be made available in the new space. In the absence of such determination, suitable furniture and furnishings for the new space shall be provided, as the Administrator shall determine to be more economical and efficient, (1) from stocks under the control of the moving agency or (2) from stocks available to the Administrator, but the same or similar items shall not be provided from both sources. When furniture and furnishings are provided for the new space from stocks available to the Administrator, the items so provided shall remain in the control of the Administrator, and the furniture and furnishings previously used by the moving agency or unit and not moved to the new space shall pass to the control of the Administrator without reimbursement. When furniture and furnishings not so moved are carried as assets of a revolving or working capital fund at the time they pass to the control of the Administrator, the net book value thereof shall be written off and the capital of the fund diminished by the amount of such write-off. When furniture or furnishings which have been purchased from trust funds pass to the control of the Administrator pursuant to this subsection, reimbursement shall be made by the Administrator for the fair market value of such furniture and furnishings.”

Office furniture.

SEC. 4. Such Act, as amended, is further amended by—

(a) Inserting in the caption for section 211 in the table of contents to such Act, immediately before the period at the end thereof, the words “and operation”.

(b) Inserting at the end of the caption to the text of section 211 of such Act the words “AND OPERATION”.

64 Stat. 583.
40 USC 491.

(c) Inserting at the end of section 3 thereof the following new subsection:

63 Stat. 378.
40 USC 472.

“(1) The term ‘motor vehicle’ means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, exclusive of any vehicle designed or used for military field training, combat, or tactical

“Motor vehicle.”

purposes, or used principally within the confines of a regularly established military post, camp, or depot, and any vehicle regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of such agency determines that exclusive control of such vehicle is essential to the effective performance of such duties."

Repeals.
63 Stat. 532.
42 USC 214a.

SEC. 5. Section 474 of title 14 of the United States Code and the proviso of section 204 of the Act of July 31, 1953 (67 Stat. 257), are hereby repealed.

Approved September 1, 1954.

Public Law 767

CHAPTER 1212

AN ACT

September 1, 1954
[H. R. 9709]

To extend and improve the unemployment compensation program.

Unemployment
compensation.
Number of em-
ployees.
68A Stat. 447.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective with respect to services performed after December 31, 1955, section 3306 (a) of the Internal Revenue Code of 1954 is hereby amended by striking out "eight or more" and inserting in lieu thereof "4 or more".

68A Stat. 440.

SEC. 2. Effective with respect to rates of contributions for periods after December 31, 1954, section 3303 (a) of the Internal Revenue Code of 1954 is hereby amended by adding after paragraph (3) the following:

Reduced rates.
New employers.

"For any person (or group of persons) who has (or have) not been subject to the State law for a period of time sufficient to compute the reduced rates permitted by paragraphs (1), (2), and (3) of this subsection on a 3-year basis, the period of time required may be reduced to the amount of time the person (or group of persons) has (or have) had experience under or has (or have) been subject to the State law, whichever is appropriate, but in no case less than 1 year immediately preceding the computation date."

Quarterly install-
ments.

68A Stat. 758.
49 Stat. 620.
42 USC 1305.

SEC. 3. Effective with respect to the taxable year 1955 and succeeding taxable years, section 6152 (a) (3) of the Internal Revenue Code of 1954 is hereby repealed.

SEC. 4. (a) The Social Security Act, as amended, is further amended by adding after title XIV thereof the following new title:

"TITLE XV—UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES

"DEFINITIONS

"SEC. 1501. When used in this title—

"(a) The term 'Federal service' means any service performed after 1952 in the employ of the United States or any instrumentality thereof which is wholly owned by the United States, except that the term shall not include service performed—

"(1) by an elective officer in the executive or legislative branch of the Government of the United States;

"(2) as a member of the Armed Forces of the United States;

22 USC 801 note.

"(3) by foreign service personnel for whom special separation allowances are provided by the Foreign Service Act of 1946 (60 Stat. 999);

68A Stat. 939,
453.

"(4) prior to January 1, 1955, for the Bonneville Power Administrator if such service constitutes employment under section 1607 (m) of the Internal Revenue Code of 1939;

"(5) outside the United States by an individual who is not a citizen of the United States;

"(6) by any individual as an employee who is excluded by Executive order from the operation of the Civil Service Retirement Act of 1930 because he is paid on a contract or fee basis;

46 Stat. 468.
5 USC 691 note.

"(7) by any individual as an employee receiving nominal compensation of \$12 or less per annum;

"(8) in a hospital, home, or other institution of the United States by a patient or inmate thereof;

"(9) by any individual as an employee included under section 2 of the Act of August 4, 1947 (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government; 5 U. S. C., sec. 1052);

61 Stat. 727.

"(10) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

"(11) by any individual as an employee who is employed under a Federal relief program to relieve him from unemployment;

"(12) as a member of a State, county, or community committee under the Production and Marketing Administration or of any other board, council, committee, or other similar body, unless such board, council, committee, or other body is composed exclusively of individuals otherwise in the full-time employ of the United States; or

"(13) by an officer or a member of the crew on or in connection with an American vessel (A) owned by or bareboat chartered to the United States and (B) whose business is conducted by a general agent of the Secretary of Commerce, if contributions on account of such service are required to be made to an unemployment fund under a State unemployment compensation law pursuant to section 1606 (g) of the Internal Revenue Code of 1939 or section 3305 (g) of the Internal Revenue Code of 1954."

68A Stat. 446.

For the purpose of paragraph (5) of this subsection, the term 'United States' when used in a geographical sense means the States, Alaska, Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands.

"(b) The term 'Federal wages' means all remuneration for Federal service, including cash allowances and remuneration in any medium other than cash.

"(c) The term 'Federal employee' means an individual who has performed Federal service.

"(d) The term 'compensation' means cash benefits payable to individuals with respect to their unemployment (including any portion thereof payable with respect to dependents).

"(e) The term 'benefit year' means the benefit year as defined in the applicable State unemployment compensation law; except that, if such State law does not define a benefit year, then such term means the period prescribed in the agreement under this title with such State or, in the absence of an agreement, the period prescribed by the Secretary.

"(f) The term 'Secretary' means the Secretary of Labor.

"COMPENSATION FOR FEDERAL EMPLOYEES UNDER STATE AGREEMENTS

"SEC. 1502. (a) The Secretary is authorized on behalf of the United States to enter into an agreement with any State, or with the agency administering the unemployment compensation law of such State, under which such State agency (1) will make, as agent of the United

States, payments of compensation, on the basis provided in subsection (b) of this section, to Federal employees, and (2) will otherwise cooperate with the Secretary and with other State agencies in making payments of compensation under this title.

“(b) Any such agreement shall provide that compensation will be paid by the State to any Federal employee, with respect to unemployment after December 31, 1954, in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable to such employee under the unemployment compensation law of the State if the Federal service and Federal wages of such employee assigned to such State under section 1504 had been included as employment and wages under such law.

“(c) Any determination by a State agency with respect to entitlement to compensation pursuant to an agreement under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in such manner and to such extent.

“(d) Each agreement shall provide the terms and conditions upon which the agreement may be amended or terminated.

“COMPENSATION FOR FEDERAL EMPLOYEES IN ABSENCE OF STATE
AGREEMENT

“SEC. 1503. (a) In the case of a Federal employee whose Federal service and Federal wages are assigned under section 1504 to a State which does not have an agreement under this title with the Secretary, the Secretary, in accordance with regulations prescribed by him, shall, upon the filing by such employee of a claim for compensation under this subsection, make payments of compensation to him with respect to unemployment after December 31, 1954, in the same amounts, on the same terms, and subject to the same conditions as would be paid to him under the unemployment compensation law of such State if such employee's Federal service and Federal wages had been included as employment and wages under such law, except that if such employee, without regard to his Federal service and Federal wages, has employment or wages sufficient to qualify for any compensation during the benefit year under the law of such State, then payments of compensation under this subsection shall be made only on the basis of his Federal service and Federal wages.

“(b) In the case of a Federal employee whose Federal service and Federal wages are assigned under section 1504 to Puerto Rico or the Virgin Islands, the Secretary, in accordance with regulations prescribed by him, shall, upon the filing by such employee of a claim for compensation under this subsection, make payments of compensation to him with respect to unemployment after December 31, 1954, in the same amounts, on the same terms, and subject to the same conditions as would be paid to him under the unemployment compensation law of the District of Columbia if such employee's Federal service and Federal wages had been included as employment and wages under such law, except that if such employee, without regard to his Federal service and Federal wages, has employment or wages sufficient to qualify for any compensation during the benefit year under such law, then payments of compensation under this subsection shall be made only on the basis of his Federal service and Federal wages.

“(c) Any Federal employee whose claim for compensation under subsection (a) or (b) of this section has been denied shall be entitled to a fair hearing in accordance with regulations prescribed by the Secretary. Any final determination by the Secretary with respect to

entitlement to compensation under this section shall be subject to review by the courts in the same manner and to the same extent as is provided in section 205 (g) with respect to final decisions of the Secretary of Health, Education, and Welfare under title II.

53 Stat. 1370.
42 USC 405(g).

“(d) The Secretary may utilize for the purposes of this section the personnel and facilities of the agencies in Puerto Rico and the Virgin Islands cooperating with the United States Employment Service under the Act of June 6, 1933 (48 Stat. 113), as amended, and may delegate to officials of such agencies any authority granted to him by this section whenever the Secretary determines such delegation to be necessary in carrying out the purposes of this title. For the purpose of payments made to such agencies under such Act, the furnishing of such personnel and facilities shall be deemed to be a part of the administration of the public employment offices of such agencies.

29 USC 49 et seq.

“STATE TO WHICH FEDERAL SERVICE AND WAGES ARE ASSIGNABLE

“SEC. 1504. In accordance with regulations prescribed by the Secretary, the Federal service and Federal wages of an employee shall be assigned to the State in which he had his last official station in Federal service prior to the filing of his first claim for compensation for the benefit year, except that—

“(1) if, at the time of the filing of such first claim, he resides in another State in which he performed, after the termination of such Federal service, service covered under the unemployment compensation law of such other State, such Federal service and Federal wages shall be assigned to such other State;

“(2) if his last official station in Federal service, prior to the filing of such first claim, was outside the United States, such Federal service and Federal wages shall be assigned to the State where he resides at the time he files such first claim; and

“(3) if such first claim is filed while he is residing in Puerto Rico or the Virgin Islands, such Federal service and Federal wages shall be assigned to Puerto Rico or the Virgin Islands.

“TREATMENT OF ACCRUED ANNUAL LEAVE

“SEC. 1505. For the purposes of this title, in the case of a Federal employee who is performing Federal service at the time of his separation from employment by the United States or any instrumentality thereof, (1) the Federal service of such employee shall be considered as continuing during the period, subsequent to such separation, with respect to which he is considered as having received payment of accumulated and current annual or vacation leave pursuant to any Federal law, and (2) subject to regulations of the Secretary concerning allocation over the period, such payment shall constitute Federal wages.

“PAYMENTS TO STATES

“SEC. 1506. (a) Each State shall be entitled to be paid by the United States an amount equal to the additional cost to the State of payments of compensation made under and in accordance with an agreement under this title which would not have been incurred by the State but for the agreement.

“(b) In making payments pursuant to subsection (a) of this section, there shall be paid to the State, either in advance or by way of reimbursement, as may be determined by the Secretary, such sum as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any sum by which the Secretary finds that his estimates for any prior

calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made upon the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency.

“(c) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State sums payable to such State under this section. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payment to the State in accordance with such certification, from the funds for carrying out the purposes of this title.

“(d) All money paid a State under this title shall be used solely for the purposes for which it is paid; and any money so paid which is not used for such purposes shall be returned, at the time specified in the agreement under this title, to the Treasury and credited to current applicable appropriations, funds, or accounts from which payments to States under this title may be made.

“(e) An agreement under this title may require any officer or employee of the State certifying payments or disbursing funds pursuant to the agreement, or otherwise participating in its performance, to give a surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from funds for carrying out the purposes of this title.

“(f) No person designated by the Secretary, or designated pursuant to an agreement under this title, as a certifying officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to the payment of any compensation certified by him under this title.

“(g) No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this title if it was based upon a voucher signed by a certifying officer designated as provided in subsection (f) of this section.

“(h) For the purpose of payments made to a State under title III, administration by the State agency of such State pursuant to an agreement under this title shall be deemed to be a part of the administration of the State unemployment compensation law.

49 Stat. 626.
42 USC 501 et
seq.

“INFORMATION

“SEC. 1507. (a) All Federal departments, agencies, and wholly owned instrumentalities of the United States are directed to make available to State agencies which have agreements under this title or to the Secretary, as the case may be, such information with respect to the Federal service and Federal wages of any Federal employee as the Secretary may find practicable and necessary for the determination of such employee's entitlement to compensation under this title. Such information shall include the findings of the employing agency with respect to—

- “(1) whether the employee has performed Federal service,
- “(2) the periods of such service,
- “(3) the amount of remuneration for such service, and
- “(4) the reasons for termination of such service.

The employing agency shall make the findings in such form and manner as the Secretary shall by regulations prescribe (which regulations shall include provision for correction by the employing agency of errors or omissions). Any such findings which have been made in accordance with such regulations shall be final and conclusive for the purposes of sections 1502 (c) and 1503 (c).

"(b) The agency administering the unemployment compensation law of any State shall furnish to the Secretary such information as the Secretary may find necessary or appropriate in carrying out the provisions of this title, and such information shall be deemed reports required by the Secretary for the purposes of paragraph (6) of subsection (a) of section 303.

42 USC 503(a)(6).

"PENALTIES

"SEC. 1508. (a) Whoever makes a false statement or representation of a material fact knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase for himself or for any other individual any payment authorized to be paid under this title or under an agreement thereunder shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"(b) (1) If a State agency or the Secretary, as the case may be, or a court of competent jurisdiction, finds that any person—

"(A) has made, or has caused to be made by another, a false statement or representation of a material fact knowing it to be false, or has knowingly failed, or caused another to fail, to disclose a material fact, and

"(B) as a result of such action has received any amount as compensation under this title to which he was not entitled, such person shall be liable to repay such amount to the State agency or the Secretary, as the case may be. In lieu of requiring the repayment of any amount under this paragraph, the State agency or the Secretary, as the case may be, may recover such amount by deductions from any compensation payable to such person under this title during the two-year period following the date of the finding. Any such finding by a State agency or the Secretary, as the case may be, may be made only after an opportunity for a fair hearing, subject to such further review as may be appropriate under sections 1502 (c) and 1503 (c).

"(2) Any amount repaid to a State agency under paragraph (1) shall be deposited into the fund from which payment was made. Any amount repaid to the Secretary under paragraph (1) shall be returned to the Treasury and credited to the current applicable appropriation, fund, or account from which payment was made.

"REGULATIONS

"SEC. 1509. The Secretary is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this title. The Secretary shall insofar as practicable consult with representatives of the State unemployment compensation agencies before prescribing any rules or regulations which may affect the performance by such agencies of functions pursuant to agreements under this title.

"APPROPRIATIONS

"SEC. 1510. There are hereby authorized to be appropriated out of any moneys not otherwise appropriated such sums as are necessary to carry out the provisions of this title."

(b) Section 1606 (e) and section 1607 (m) of the Internal Revenue Code of 1939 are each hereby amended by inserting after "December 31, 1945," the following: "and before January 1, 1955,".

68A Stat. 939.

(c) Effective with respect to services performed after December 31, 1954, section 3305 (e) and section 3306 (1) of the Internal Revenue Code of 1954 are hereby repealed.

68A Stat. 446, 453.

Approved September 1, 1954.

Public Law 768

CHAPTER 1213

September 1, 1954
[H. R. 10009]

AN ACT

To provide for the review of customs tariff schedules, to improve procedures for the tariff classification of unenumerated articles, and for other purposes.

Customs Simpli-
fication Act of
1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Customs Simplification Act of 1954".

TITLE I—REVIEW OF CUSTOMS TARIFF SCHEDULES

46 Stat. 590.
19 USC 1654.

SEC. 101. (a) The United States Tariff Commission shall proceed promptly to make a complete study of all provisions of the customs laws of the United States under which imported articles may be classified for tariff purposes, including the dutiable and free lists and related special provisions of the Tariff Act of 1930, as amended and as modified, the provisions of the Internal Revenue Code relating to the duties designated as import taxes, as amended and as modified, and other laws. The Commission shall compile a revision and consolidation of such provisions of the customs laws which, in the judgment of the Commission, will accomplish to the extent practicable the following purposes:

(1) Establish schedules of tariff classifications which will be logical in arrangement and terminology and adapted to the changes which have occurred since 1930 in the character and importance of articles produced in and imported into the United States and in the markets in which they are sold.

(2) Eliminate anomalies and illogical results in the classification of articles.

(3) Simplify the determination and application of tariff classifications.

(b) The Commission shall seek to accomplish the purposes of subsection (a) without suggesting changes in any rate or rates of duty on individual products, whether those rates are applied by statute or by Presidential proclamation. Where, however, in the judgment of the Commission, the purposes of subsection (a) cannot be accomplished without such changes, the Commission shall specify each incidental change in rates which in its judgment would accomplish such purposes, and shall accompany it with a summary of all the data on which such suggested change was based, together with a statement of the probable effect of such suggested change on any industry in the United States. Before suggesting any changes in rates of duty, the Commission shall give public notice of its intention to do so and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at public hearings with respect to the probable effect of such suggested changes on any industry in the United States.

Transmission of
data, etc., to Pres-
ident and Con-
gress.

(c) Not later than two years after the enactment of this Act the Commission shall transmit copies of the schedules and accompanying data and statements to the President and to the chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

Report.

(d) On or before March 15, 1955, the Commission shall report to the President and to the chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (1) the progress that has been made in carrying out the provisions of this section, (2) the significant complexities of tariff classification that have been developed as existing in the present law, and (3) suggestions as to standards and methods which might be

adopted for a simplification of existing tariff schedules without significant changes in tariff levels.

(e) The Commission may invoke all the powers granted to it under part II, title III, of the Tariff Act of 1930, as amended, and is authorized to make reasonable rules and regulations, for the purpose of carrying out its functions under this title.

46 Stat. 672, 685.
19 USC 1201,
1303-1351.

(f) The Commission may procure temporary and intermittent services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C., sec. 55a), but at rates not to exceed \$75 per diem for individuals. The Commission may reimburse employees, experts, and consultants for travel, subsistence, and other necessary expenses incurred by them in the performance of their official duties, and make reasonable advances to such persons for such purposes. Service by a person pursuant to the first sentence of this subsection shall not be considered as service or employment bringing such person within the provisions of section 281, 283, 284, or 1914 of title 18 of the United States Code, or section 512 of the Mutual Security Act of 1954, or section 190 of the Revised Statutes (5 U. S. C., sec. 99).

60 Stat. 810.

62 Stat. 697, 793.

Appropriation.

(g) There are hereby authorized to be appropriated such sums as may be required to enable the United States Tariff Commission to carry out the functions assigned to it by this section.

TITLE II—UNENUMERATED ARTICLES—AMERICAN GOODS RETURNED

SEC. 201. Paragraph 1559 of the Tariff Act of 1930 (U. S. C., 1952 edition, title 19, sec. 1001, par. 1559), is amended to read as follows:

46 Stat. 672.

"PAR. 1559. (a) Each and every imported article, not enumerated in this Act, which is similar in the use to which it may be applied to any article enumerated in this Act as chargeable with duty, shall be subject to the same rate of duty as the enumerated article which it most resembles in the particular before mentioned; and if any non-enumerated article equally resembles in that particular two or more enumerated articles on which different rates of duty are chargeable, it shall be subject to the rate of duty applicable to that one of such two or more articles which it most resembles in respect of the materials of which it is composed.

"(b) The words 'component of chief value', wherever used in this Act, shall be held to mean that component material which shall exceed in value any other single component material of the article involved; and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article.

Definition.

"(c) If two or more enumerations shall be equally applicable to any article, it shall be subject to duty at the highest rate prescribed for any such enumeration."

CERTAIN METAL ARTICLES RETURNED TO UNITED STATES

SEC. 202. Paragraph 1615 (g) of the Tariff Act of 1930, as amended (U. S. C., 1952 edition, title 19, sec. 1201, par. 1615 (g)), is further amended to read as follows:

52 Stat. 1093.

"(g) (1) Any article exported from the United States for repairs or alterations may be returned upon the payment of a duty upon the value of the repairs or alterations at the rate or rates which would apply to the article itself in its repaired or altered condition if not within the purview of this subparagraph (g).

“(2) If—

“(A) any article of metal (except precious metal) manufactured in the United States or subjected to a process of manufacture in the United States is exported for further processing; and

“(B) the exported article as processed outside the United States, or the article which results from the processing outside the United States, as the case may be, is returned to the United States for further processing,

then such article may be returned upon the payment of a duty upon the value of such processing outside the United States at the rate or rates which would apply to such article itself if it were not within the purview of this subparagraph (g).

“(3) This subparagraph (g) shall not apply to any article exported—

“(A) from bonded warehouse or from continuous customs custody elsewhere than bonded warehouse with remission, abatement, or refund of duty;

“(B) with benefit of drawback through substitution or otherwise; or

“(C) for the purpose of complying with any law of the United States or regulation of any Federal agency requiring exportation.

“(4) For the purposes of this subparagraph (g), the value of repairs, alterations, or processing outside the United States shall be considered to be—

“(A) the cost to the importer of such repairs, alterations, or processing; or

“(B) if no charge is made, the value of such repairs, alterations, or processing,

as set out in the invoice and entry papers; except that, if the Secretary of the Treasury concludes that the amount so set out does not represent a reasonable cost or fair value, as the case may be, then the value of the repairs, alterations, or processing shall be determined in accordance with section 402 of this Act. No appraisalment of the imported article in its repaired, altered, or processed condition shall be required unless necessary to a determination of the rate or rates of duty applicable to such article.”

TITLE III—AMENDMENTS TO THE ANTIDUMPING ACT, 1921

42 Stat. 11.

Dumping investigation.

Public notice.

SEC. 301. Section 201 of the Antidumping Act, 1921 (U. S. C., 1952 edition, title 19, sec. 160), is amended to read as follows:

“SEC. 201. (a) Whenever the Secretary of the Treasury (hereinafter called the ‘Secretary’) determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission, and the said Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. The said Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and, if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in this Act called a ‘finding’) of his determination and the determination of the said Commission. The Secretary’s finding shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

“(b) Whenever, in the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, the Secretary has reason to believe or suspect, from the invoice or other papers or from information presented to him or to any person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter’s sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the cost of production), he shall forthwith authorize, under such regulations as he may prescribe, the withholding of appraisement reports as to such merchandise entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping has been raised by or presented to him or any person to whom authority under this section has been delegated, until the further order of the Secretary, or until the Secretary has made public a finding as provided for in subdivision (a) in regard to such merchandise.”

Withholding of
appraisement re-
ports.

SEC. 302. Subsection (a) of section 202 of the Antidumping Act, 1921 (U. S. C., 1952 edition, title 19, sec. 161 (a)) is amended to read as follows:

42 Stat. 11.

“(a) In the case of all imported merchandise, whether dutiable or free of duty, of a class or kind as to which the Secretary of the Treasury has made public a finding as provided for in section 201, entered, or withdrawn from warehouse, for consumption, not more than one hundred and twenty days before the question of dumping was raised by or presented to the Secretary or any person to whom authority under section 201 has been delegated, and as to which no appraisement report has been made before such finding has been so made public, if the purchase price or the exporter’s sales price is less than the foreign market value (or, in the absence of such value, than the cost of production) there shall be levied, collected, and paid, in addition to any other duties imposed thereon by law, a special dumping duty in an amount equal to such difference.”

Special dumping
duty.

TITLE IV—IMPORTATIONS FROM INSULAR POSSESSIONS

SEC. 401. Part I of title III of the Tariff Act of 1930, as amended (U. S. C., 1952 edition, title 19, subtitle III, pt. I), is further amended by inserting at the beginning thereof the following new section:

46 Stat. 685.

“SEC. 301. INSULAR POSSESSIONS.

“There shall be levied, collected, and paid upon all articles coming into the United States from any of its insular possessions, except Puerto Rico, the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries; except that all articles the growth or product of any such possession, or manufactured or produced in any such possession from materials the growth, product, or manufacture of any such possession or of the United States, or of both, which do not contain foreign materials to the value of more than 50 per centum of their total value, coming into the United States directly from any such possession, and all articles previously imported into the United States with payment of all applicable duties and taxes imposed upon or by reason of importation which are shipped from the United States, without remission, refund, or drawback of such duties or taxes, directly to the possession from which it is being returned by direct shipment, shall be admitted free of duty upon compliance with such regulations as to proof of origin as may be prescribed by the Secretary of the Treasury. In determining whether an article produced or manufactured in any such insular possession contains foreign materials to the value of more than 50 per centum, no material shall be considered foreign which, at the time

such article is entered, or withdrawn from warehouse, in the United States for consumption, may be imported into the United States from a foreign country, other than Cuba or the Philippine Republic, free of duty."

Virgin Islands.
Ante, p. 509.

SEC. 402. (a) Section 28 (d) of the Revised Organic Act of the Virgin Islands, approved July 22, 1954, is amended to read as follows:

Ante, p. 1139.
68A Stat. 907.

"(d) All articles coming into the United States from the Virgin Islands shall be subject to or exempt from duty as provided for in section 301 of the Tariff Act of 1930 and subject to internal-revenue taxes as provided for in section 7652 (b) of the Internal Revenue Code of 1954."

Guam.

(b) Section 27 of the Act of August 1, 1950 (64 Stat. 392; U. S. C., 1952 edition, title 48, sec. 1421e), is amended to read as follows:

"SEC. 27. All articles coming into the United States from Guam shall be subject to or exempt from duty as provided for in section 301 of the Tariff Act of 1930."

TITLE V—CUSTOMS ADMINISTRATIVE PROVISIONS

SEC. 501. (a) The parenthetical matter first appearing in the second sentence of section 4197 of the Revised Statutes, as amended (U. S. C., 1952 edition, title 46, sec. 91), is amended to read as follows: "(other than a licensed yacht or an undocumented American pleasure vessel not engaged in any trade nor in any way violating the customs or navigation laws of the United States)".

46 Stat. 712.

(b) Section 441 (3) of the Tariff Act of 1930, as amended (U. S. C., 1952 edition, title 19, sec. 1441 (3)), is further amended to read as follows:

"(3) Licensed yachts or undocumented American pleasure vessels not engaged in trade nor in any way violating the customs or navigation laws of the United States and not having visited any hovering vessel: *Provided*, That the master of any such vessel which has on board any article required by law to be entered shall be required to report such article to the collector within twenty-four hours after arrival."

Repeals.

(c) Section 4218 of the Revised Statutes, as amended (U. S. C., 1952 edition, title 46, sec. 106), is repealed.

SEC. 502. Section 3062 of the Revised Statutes, as amended (U. S. C., 1952 edition, title 19, sec. 483), relating to forfeitures and penalties for aiding unlawful importation, is repealed, and in lieu thereof there is inserted in the Tariff Act of 1930, as amended, immediately after section 595 thereof (U. S. C., 1952 edition, title 19, sec. 1595) the following new section:

"SEC. 596. AIDING UNLAWFUL IMPORTATION.

"(a) Except as specified in the proviso to section 594 of this Act, every vessel, vehicle, animal, aircraft, or other thing used in, to aid in, or to facilitate, by obtaining information or in any other way, the importation, bringing in, unlading, landing, removal, concealing, harboring, or subsequent transportation of any article which is being or has been introduced, or attempted to be introduced, into the United States contrary to law, whether upon such vessel, vehicle, animal, aircraft, or other thing or otherwise, shall be seized and forfeited together with its tackle, apparel, furniture, harness, or equipment.

"(b) Every person who directs, assists financially or otherwise, or is in any way concerned in any unlawful activity mentioned in the preceding subsection shall be liable to a penalty equal to the value of the article or articles introduced or attempted to be introduced."

SEC. 503. (a) The first two sentences of section 451 of the Tariff Act of 1930, as amended (U. S. C., 1952 edition, title 19, sec. 1451), are further amended to read as follows: "Before any such special license to unlade shall be granted, the master, owner, or agent of such vessel or vehicle, or the person in charge of such vehicle, shall be required to deposit sufficient money to pay, or to give a bond in an amount to be fixed by the Secretary conditioned to pay, the compensation and expenses of the customs officers and employees assigned to duty in connection with such unloading at night or on Sunday or a holiday, in accordance with the provisions of section 5 of the Act of February 13, 1911, as amended (U. S. C., 1952 edition, title 19, sec. 267). In lieu of such deposit or bond the owner or agent of any vessel or vehicle or line of vessels or vehicles may execute a bond in an amount to be fixed by the Secretary of the Treasury to cover and include the issuance of special licenses for the unloading of such vessels or vehicles for a period not to exceed one year."

46 Stat. 715.

36 Stat. 901.

(b) The third sentence of section 451 of the Tariff Act of 1930, as amended (U. S. C., 1952 edition, title 19, sec. 1451), is further amended by inserting "deposits sufficient money to pay, or" after the words "person requesting such services" now appearing therein and by deleting the words "a penal sum" and inserting in lieu thereof the words "an amount".

46 Stat. 715.

SEC. 504. Section 581 (d) of the Tariff Act of 1930, as amended (U. S. C., 1952 edition, title 19, sec. 1581 (d)), is further amended to read as follows:

49 Stat. 522.

"(d) Any vessel or vehicle which, at any authorized place, is directed to come to a stop by any officer of the customs, or is directed to come to a stop by signal made by any vessel employed in the service of the customs and displaying proper insignia, shall come to a stop, and upon failure to comply a vessel or vehicle so directed to come to a stop shall become subject to pursuit and the master, owner, operator, or person in charge thereof shall be liable to a penalty of not more than \$5,000 nor less than \$1,000."

SEC. 505. Section 605 of the Tariff Act of 1930 (U. S. C., 1952 edition, title 19, sec. 1605), is amended by adding at the end thereof the following:

46 Stat. 754.

"Pending such disposition, the property shall be stored in such place as, in the collector's opinion, is most convenient and appropriate with due regard to the expense involved, whether or not the place of storage is within the judicial district or the customs collection district in which the property was seized; and storage of the property outside the judicial district or customs collection district in which it was seized shall in no way affect the jurisdiction of the court which would otherwise have jurisdiction over such property."

SEC. 506. Sections 607, as amended, 610, and 612 of the Tariff Act of 1930 (U. S. C., 1952 edition, title 19, secs. 1607, 1610, 1612) are amended by deleting "\$1,000" wherever that amount is stated therein and substituting "\$2,500".

46 Stat. 754, 755.

SEC. 507. Section 545 of title 18 of the United States Code is amended by inserting after "this section" in the fifth paragraph the following " , or the value thereof, to be recovered from any person described in the first or second paragraph of this section,".

52 Stat. 716.

TITLE VI—EFFECTIVE DATE

SEC. 601. Titles II, III, IV, and VI of this Act shall be effective on and after the thirtieth day following the date of the enactment of this Act.

Approved September 1, 1954.

Public Law 769

CHAPTER 1214

AN ACT

September 1, 1954
[H. R. 9909]

To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

Federal employ-
ees.
Denial of annu-
ities after criminal
conviction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this Act of any of the following offenses described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government:

62 Stat. 683.

(1) Any offense defined in section 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to bribery and graft), section 281, 282, 283, 284, 285, 286, or 287 of chapter 15 (relating to claims and services in matters affecting government), section 434, 435, 436, 441, 442, or 443 of chapter 23 (relating to contracts), chapter 37 (relating to espionage and censorship), section 1700, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, or 1712 of chapter 83 (relating to offenses involving the postal service), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code or in section 10 or 16 of the Atomic Energy Act of 1946 (42 U. S. C., secs. 1810 and 1816);

60 Stat. 766, 773;
ante, p. 919.

(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) committed in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government, or (B) committed after the termination of his service as an officer or employee of the Government but directly involving, directly resulting from, or directly relating to, the improper exercise of his authority, influence, power, or privileges during any period of his service as such an officer or employee;

(3) Perjury committed under the laws of the United States or of the District of Columbia (A) in falsely denying the commission of an act which constitutes any of the offenses described in paragraph (1) or (2) of this section, (B) in falsely testifying before any Federal grand jury or court of the United States with respect to his service as an officer or employee of the Government, or (C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee; or subornation of perjury committed in connection with the false denial or false testimony of another person as specified in this paragraph;

(4) Any offense defined in section 833, 861, or 862 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1325, 1330; D. C. Code, 1951 edition, secs. 22-1201, 22-701, 22-703); or in the second paragraph under the subheading "FOR EXECUTIVE OFFICE" under the caption "GENERAL EXPENSES" in the first section of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 591; D. C. Code, 1951 edition, sec. 22-702).

Refusal to testi-
fy, etc.

SEC. 2. (a) There shall not be paid to any person who has failed or refused, or fails or refuses, prior to, on, or after the date of enactment of this Act, upon the ground of self-incrimination, to appear,

testify, or produce any book, paper, record, or other document, with respect to his service as an officer or employee of the Government or with respect to any relationship which he has had or has with a foreign government, in any proceeding before a Federal grand jury, court of the United States, or congressional committee, or to the survivor or beneficiary of such person, for any period subsequent to the date of such failure or refusal of such person or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

(b) There shall not be paid to any person who, prior to, on, or after the date of enactment of this Act, knowingly and willfully has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, has concealed or conceals any material fact, with respect to his—

False statements
or concealment.

(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment in the United States of a Communist totalitarian dictatorship, or (C) the right to strike against the Government of the United States;

(2) conviction of any offense described in the first section of this Act; or

(3) failure or refusal to appear, testify, or produce any book, paper, record, or other document as specified in subsection (a) of this section,

for any period subsequent to the date of enactment of this Act or the date on which any such statement, representation, or concealment of fact is made or occurs, whichever is later, in connection with his application for an office or position in or under the executive, legislative, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

SEC. 3. Any amounts contributed by any such person toward the annuity the benefits of which are denied under this Act, less any sums previously refunded or paid as annuity benefits, shall be returned to such person, upon appropriate application therefor, with interest to the date of his conviction of any offense described in the first section of this Act or of the commission by him of any violation of section 2 of this Act, as the case may be, or the date of enactment of this Act, whichever is later, at such rates as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity is payable, or if no such rates are so provided at the rate of 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year. Such person shall not be required to repay any annuity properly received by him which is in excess of the amount of his own contributions with interest. In the event a person entitled to a refund under this section dies prior to the making of such refund, the refund shall be made to such person or persons as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity the benefits of which are denied under this Act is payable or, if no such provision is made, in the order of preference prescribed in section 12 (e) of the Civil Service Retirement Act of 1930, as amended.

Return of con-
tributions.

SEC. 4. The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after the

64 Stat. 214.
5 USC 724(e).

Restoration upon
pardon.

date of enactment of this Act, of an offense which is specified in the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after the date of enactment of this Act, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 3 of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made for any period prior to the date on which such pardon is granted.

Nonliability of
officers.

SEC. 5. No accountable officer of the Government of the United States or of the government of the District of Columbia shall be held responsible for payments made in violation of the first section or section 2 of this Act when such payments are made in due course and without negligence.

Definitions.

SEC. 6. As used in this Act—

(1) The term "officer or employee of the Government" includes an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States, a Member of or Delegate to Congress, a Resident Commissioner, an officer or employee of the government of the District of Columbia, and a member or former member of the Armed Forces of the United States, including the Regular and Reserve components thereof, the Fleet Reserve, the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service.

(2) The term "annuity" means any retirement benefit (other than any benefit provided under laws administered by the Veterans' Administration) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee, except that such term does not include salary or compensation which may not be diminished under section 1 of article III of the Constitution or, in the case of a benefit payable under the Social Security Act, as amended, any portion of such benefit not based upon service as an officer or employee of the Government of the United States or the government of the District of Columbia. The term "annuity" does not include any retirement benefit of any person to whom such benefit has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

(3) The term "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay (other than any benefit provided under laws administered by the Veterans' Administration), payable under any law of the United States to members or former members of the Armed Forces of the United States, including the Regular and Reserve components thereof and the Fleet Reserve and the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service. The term "retired pay" does not include the retired pay, retirement pay, retainer pay, or equivalent pay of any person to whom any such pay has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

SEC. 7. This Act shall not be construed as restricting authority under any other provision of law to deny or withhold benefits authorized by law.

Authority to deny benefits.

SEC. 8. The President may drop from the rolls any member of the Armed Forces, including the Regular and Reserve components thereof, the Fleet Reserve, and the Fleet Marine Corps Reserve, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act.

Armed Forces.
Removal from rolls.

SEC. 9. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Separability.

SEC. 10. (a) Section 3282 of title 18 of the United States Code is amended by striking out "three" and inserting in lieu thereof "five".

Statute of limitations.
62 Stat. 828.

(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after the date of enactment of this Act, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date.

Approved September 1, 1954.

Public Law 770

CHAPTER 1254

AN ACT

To provide relief for the sheep-raising industry by making special nonquota immigrant visas available to certain skilled alien sheepherders.

September 3, 1954
[S. 2862]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for a period of one year after the effective date of this Act, in any case in which the Attorney General, under the authority of section 204 of the Immigration and Nationality Act, grants permission for the importation of a skilled alien sheepherder into the United States and the investigation of the application for such importation discloses that—

Alien sheepherders.
Visas.

(1) the employment offered such skilled alien sheepherder is permanent; and

66 Stat. 179.
8 USC 1154.

(2) no immigration quota number of the quota to which such skilled alien sheepherder is chargeable under section 202 of the Immigration and Nationality Act is then available, a special nonquota immigrant visa may be issued to such skilled alien sheepherder as provided in this Act: *Provided*, That such skilled alien sheepherder is otherwise eligible to receive an immigrant visa under the immigration laws.

66 Stat. 176.
8 USC 1152.

SEC. 2. The Attorney General shall certify to the Secretary of State the name and address of every skilled alien sheepherder for which an application for importation under section 204 has been approved. If a quota number is not then available for such skilled alien sheepherder, the proper consular officer may issue a special nonquota immigrant visa to such skilled alien sheepherder.

8 USC 1154.

SEC. 3. (a) There shall not be issued more than three hundred and eighty-five special nonquota immigrant visas under this Act.

Limitation.

(b) Nothing contained in this Act shall be construed as increasing the immigration quota of any country or of altering the requirements for admission of aliens into the United States.

SEC. 4. Any alien who is excludable because of the conviction of a misdemeanor classifiable as a petty offense under the provisions of

Petty offense convictions.

62 Stat. 684.

section 1 (3) of title 18, United States Code, by reason of the punishment actually imposed, or who is excludable as one who admits the commission of such misdemeanor, may hereafter be granted a visa and admitted to the United States, if otherwise admissible: *Provided*, That the alien has committed only one such offense.

Approved September 3, 1954.

Public Law 771

CHAPTER 1255

AN ACT

September 3, 1954
[H. R. 1254]

To provide authorization for certain uses of public lands.

Public lands.
Permits, leases,
etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the head of any department or agency of the Government of the United States having jurisdiction over public lands and national forests, except national parks and monuments, of the United States is hereby authorized to grant permits, leases, or easements, in return for the payment of a price representing the fair market value of such permit, lease, or easement, to be fixed by such head of such department or agency through appraisal, for a period not to exceed thirty years from the date of any such permit, lease, or easement to States, counties, cities, towns, townships, municipal corporations, or other public agencies for the purpose of constructing and maintaining on such lands public buildings or other public works. In the event such lands cease to be used for the purpose for which such permit, lease, or easement was granted, the same shall thereupon terminate.

SEC. 2. The authority conferred by this Act shall be in addition to, and not in derogation of any authority heretofore conferred upon the head of any department or agency of the Government of the United States to grant permits, leases, easements, or rights-of-way.

Approved September 3, 1954.

Public Law 772

CHAPTER 1256

AN ACT

September 3, 1954
[H. R. 7130]

To amend the Immigration and Nationality Act to provide for the loss of nationality of persons convicted of certain crimes.

Expatriation Act
of 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Expatriation Act of 1954".

SEC. 2. Paragraph (9) of subsection (a) of section 349 of the Immigration and Nationality Act (66 Stat. 163, 268; 8 U. S. C. 1481 (a) (9)) is amended to read as follows:

62 Stat. 808.

"(9) committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, violating or conspiring to violate any of the provisions of section 2383 of title 18, United States Code, or willfully performing any act in violation of section 2385 of title 18, United States Code, or violating section 2384 of said title by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction; or"

Approved September 3, 1954.

Public Law 773

CHAPTER 1257

AN ACT

To provide for the promotion, precedence, constructive credit, distribution, retention, and elimination of officers of the reserve components of the Armed Forces of the United States, and for other purposes.

September 3, 1954
[H. R. 6573]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Reserve Officer
Personnel Act of
1954.

SHORT TITLE

That this Act may be cited as the "Reserve Officer Personnel Act of 1954".

TITLE I—TABLE OF CONTENTS AND
DEFINITIONS

SEC. 101. This Act is divided into titles and sections according to the following table of contents:

TABLE OF CONTENTS

TITLE I—TABLE OF CONTENTS AND DEFINITIONS

Sec. 101. Table of contents.
Sec. 102. Definitions.

TITLE II—THE RESERVE COMPONENTS GENERALLY

Sec. 201. Constructive credit upon initial appointment.
Sec. 202. Eligibility for promotion.
Sec. 203. Boards.
Sec. 204. Retention of officers with obligated periods of service.
Sec. 205. Retention of officers with more than eighteen years of satisfactory Federal service.
Sec. 206. Advancement in grade upon retirement or transfer to the Retired Reserve.
Sec. 207. Grade upon entry upon active duty.
Sec. 208. Return to an active status.
Sec. 209. Suspension of provisions.
Sec. 210. Sea or foreign service.
Sec. 211. Grades of Reserve officers.
Sec. 212. Retention of officers assigned to the Selective Service System.

TITLE III—THE RESERVE COMPONENTS OF THE ARMY

SUBTITLE A—GENERAL

Sec. 301. Applicability.
Sec. 302. Definitions.
Sec. 303. Promotion procedures generally.
Sec. 304. Maximum grades for female officers.
Sec. 305. Constructive credit—Appointments.
Sec. 306. Minimum service in grade.
Sec. 307. Authorized numbers and distribution in grade.

SUBTITLE B—NONUNIT OFFICERS

Sec. 308. Promotion to first lieutenant.
Sec. 309. Grade structure vacancies—Promotion to captain, major, and lieutenant colonel.
Sec. 310. Mandatory consideration—Maximum service in grade—Promotion to captain, major, and lieutenant colonel.
Sec. 311. Second consideration.
Sec. 312. Grade structure vacancy—Promotion to colonel and female field grades.
Sec. 313. Grade structure vacancy—Promotion to brigadier general and major general.
Sec. 314. Method of selection and order of promotion.
Sec. 315. Total years of service required for first nonunit promotion.

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TITLE III—THE RESERVE COMPONENTS OF THE ARMY—Continued

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- Sec. 316. Promotion to first lieutenant.
- Sec. 317. Unit vacancy—Promotion to captain, major, lieutenant colonel, and colonel—Special promotion of second lieutenants and first lieutenants.
- Sec. 318. Unity vacancy—Promotion to brigadier general and major general.

SUBTITLE D—OFFICERS OF THE NATIONAL GUARD OF THE UNITED STATES

- Sec. 319. Examination for Federal recognition upon unit vacancy promotion.
- Sec. 320. Automatic Federal recognition.
- Sec. 321. Promotion to higher grade in the National Guard of the United States.
- Sec. 322. Promotion upon transfer to Army Reserve.
- Sec. 323. Appointment of adjutant generals and assistant adjutant generals as Reserve officers.

SUBTITLE E—ELIMINATION

- Sec. 324. Elimination of second lieutenants.
- Sec. 325. Elimination of first lieutenants, captains, and majors.
- Sec. 326. Maximum ages.
- Sec. 327. Elimination of officers for length of service.
- Sec. 328. Retention of officers with certain satisfactory Federal service.
- Sec. 329. Disposition of general officers upon ceasing to occupy position.
- Sec. 330. Excess numbers in grade.

SUBTITLE F—RESERVE OFFICERS ON ACTIVE DUTY

- Sec. 331. Applicability of other subtitles.
- Sec. 332. Procedure for officers eligible for unit vacancy promotion entering on active duty.
- Sec. 333. Promotion to higher grade while on active duty.
- Sec. 334. Promotion under mandatory consideration of officers with higher temporary grade.
- Sec. 335. Appointment in appropriate higher grade after temporary appointment.
- Sec. 336. Procedure for officers of the National Guard of the United States.
- Sec. 337. Withholding of certain promotions.
- Sec. 338. Promotion upon release from active duty.
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SUBTITLE G—MISCELLANEOUS PROVISIONS

- Sec. 340. Assimilation of corresponding regulations.

TITLE IV—THE NAVAL RESERVE AND MARINE CORPS RESERVE

- Sec. 401. Definitions.
- Sec. 402. Authorized strengths and distribution in grades.
- Sec. 403. Promotion generally.
- Sec. 404. Running mates.
- Sec. 405. Eligibility for promotion.
- Sec. 406. Date of rank upon promotion.
- Sec. 407. Applicability of title.
- Sec. 408. Qualifications of promotion.
- Sec. 409. Effect of removal by President or failure of consent by Senate.
- Sec. 410. Precedence.
- Sec. 411. Attrition.
- Sec. 412. Retirement for age.
- Sec. 413. Suspension of other laws and effect of temporary promotions.

TITLE V—THE RESERVE COMPONENTS OF THE AIR FORCE

- Sec. 501. Definitions.
- Sec. 502. Promotion and promotion service.
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- Sec. 504. Seniority for promotion purposes.
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- Sec. 509. Promotion to first lieutenant in Air Force Reserve.
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- Sec. 511. Promotion to captain, major, and lieutenant colonel.
- Sec. 512. Method of selection for promotion to captain, major, or lieutenant colonel.
- Sec. 513. Promotion to fill unit vacancies in the Air Force Reserve or for special qualifications.
- Sec. 514. Promotion of officers serving in temporary grade higher than permanent.
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- Sec. 517. Promotion to brigadier general and major general.
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- Sec. 519. Promotion of officers in the Air National Guard of the United States, generally.
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- Sec. 521. Promotion to captain, major, and lieutenant colonel in the Air National Guard of the United States of officers on recommended lists.
- Sec. 522. Effect of failure of selection for promotion to grade of captain, major, or lieutenant colonel.
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- Sec. 524. Elimination of officers for length of service.
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TITLE VI—THE COAST GUARD RESERVE

- Sec. 601. Definitions.
- Sec. 602. Applicability of title.
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- Sec. 605. Precedence.
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- Sec. 611. Failure of selection and elimination.
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- Sec. 613. Maximum ages for retention in active status.
- Sec. 614. Type of promotion; temporary; permanent.
- Sec. 615. Promotion of officers on active duty.
- Sec. 616. Appointment of former Navy and Coast Guard officers.
- Sec. 617. Grade upon relief of retired officers.
- Sec. 618. Regulations.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Effective date.
- Sec. 702. Repeals and amendments.
- Sec. 703. Savings provisions.

Sec. 102. When used in this Act—

(1) "Reserve officer" means a commissioned officer of one of the reserve components of the Armed Forces of the United States specified in section 202 of the Armed Forces Reserve Act of 1952, but does not include commissioned warrant officers.

(2) Unless otherwise specified or required by the context "promotion" and "promoted" refer to appointment of a Reserve officer in the next higher grade as a Reserve officer of his Armed Force.

(3) "Grade" means, unless otherwise specified, the permanent grade of a Reserve officer.

(4) "Points" mean points credited under section 302 of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended.

(5) Unless otherwise specifically provided, terms used in this Act have the same meaning as in the Armed Forces Reserve Act of 1952.

Definitions.

66 Stat. 483.
50 USC 922.

62 Stat. 1087.
10 USC 1036a.

50 USC 901 note.

(6) "Active status" means the status of a Reserve officer who is not in the inactive National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

(7) "Discharged" means discharged from an appointment as a Reserve officer.

(8) "Federal recognition" and "federally recognized" refer to Federal recognition of officers of the National Guard and the Air National Guard of a State, Territory, or the District of Columbia, under the provisions of Section 75 of the National Defense Act, as amended.

48 Stat. 158.
32 USC 113.

TITLE II—THE RESERVE COMPONENTS GENERALLY

Credit upon ap-
pointment.

SEC. 201. Upon appointment as a Reserve officer, a person who holds no appointment as a commissioned officer of the Armed Forces may for the purposes of this Act only be credited with an amount of service in an active status (or, if appointed an officer of the Naval Reserve, Marine Corps Reserve, or the Coast Guard Reserve, be placed in a commensurate position on the appropriate lineal list), to reflect his combined years of experience, education, and such other qualifications as may be prescribed by regulations promulgated by the appropriate Secretary. Any such person who is appointed for the purpose of or with a view to assignment or designation as a medical officer, a dental officer, a veterinary officer, a judge advocate (law specialist of the Naval Reserve or Coast Guard Reserve), or a chaplain, shall, for the purpose of this Act only, be credited with a minimum amount of service in an active status of four years, three years, two years, three years, or three years, respectively, and a person holding a degree of Doctor of Philosophy, or comparable degree, in a science allied to medicine as may be determined by the appropriate Secretary, may be credited with a minimum amount of service in an active status of three years if appointed for assignment as an officer in the Medical Service Corps of the Army or in a comparable assignment in another Armed Force.

Eligibility for
promotion.

SEC. 202. (a) To be eligible for consideration for promotion or for examination for Federal recognition and to be eligible for promotion under this Act, a Reserve officer must be in an active status.

Retention in ac-
tive status.

(b) To be retained in an active status, a Reserve officer (other than an adjutant general or assistant adjutant general of a State or Territory, or the District of Columbia) shall, in any applicable yearly period, attain the minimum number of points (not to exceed fifty) prescribed by the appropriate Secretary with the approval of the Secretary of Defense (or by the Secretary of the Treasury with respect to the Coast Guard, when the Coast Guard is operating as a service in the Treasury Department) and shall conform to such other standards and qualifications as the appropriate Secretary may prescribe. Subject to section 204 of this Act, a Reserve officer who fails to attain the prescribed number of points or to conform to the prescribed standards and qualifications, shall, upon his application, be transferred to the Retired Reserve if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, shall be transferred to the inactive status list if qualified, or if not transferred to the Retired Reserve or the inactive status list, shall be discharged.

Boards.

SEC. 203. (a) Selection boards and other boards of officers appointed under this Act shall be appointed and convened by the appropriate Secretary or by such competent authority as the appropriate Secretary may direct.

(b) At least 50 per centum of the members of any selection board appointed under the provisions of this Act shall, to the extent practicable, be Reserve officers. All members of any selection board shall

be senior in permanent grade and temporary rank to any officer being considered by that board.

(c) Selection boards shall serve for such length of time as the appropriate Secretary may prescribe, but no board shall serve longer than one year. No officer shall serve on two consecutive selection boards when the second of such boards considers any of the officers who were considered but not recommended for promotion to the same grade by the first selection board upon which he served.

(d) Each selection board shall be composed of not less than five members which number shall constitute a quorum. Every officer who is appointed a member of a selection board will swear or affirm that he will without prejudice or partiality and, having in view both the special fitness of officers and the efficiency of his Armed Force, perform the duties imposed on him as a member of such board. Not less than a majority of the total membership of any selection board must concur in each recommendation made by the board.

(e) Any officer eligible for consideration for promotion by any selection board shall have the right to forward through official channels a written communication inviting attention to any matter of record in the Armed Forces concerning himself which he deems important to his consideration which must arrive at a time not later than the convening of the selection board. The communication may not criticize or reflect upon the character, conduct, or motive of any officer.

SEC. 204. Any Reserve officer who has not completed his period of required service as a member of a reserve component under section 4 (d) or other provision of the Universal Military Training and Service Act, as amended, or under any other provision of law, shall not be discharged or transferred from an active status under this Act. Unless under regulations prescribed by the appropriate Secretary, he is subsequently promoted under the provisions of this Act, he shall be retained in grade for the remainder of his required period of service and shall be an additional number to the authorized numbers in that grade.

Incomplete service.

62 Stat. 607.
50 USC app. 454
(d).

SEC. 205. (a) Notwithstanding any other provision of this Act, except as provided in sections 328 and 339, if on any date prescribed for the transfer from an active status or discharge of any Reserve officer, he has been credited with, or is entitled to be credited with eighteen or more, but less than nineteen, years of satisfactory Federal service for retired pay purposes under the provisions of title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, such officer shall not, without his consent, be transferred from an active status or discharged pursuant to this Act prior to the date on which he is credited with twenty years of such satisfactory Federal service, or prior to the third anniversary of the date on which he would otherwise be transferred from an active status or discharged, whichever is earlier, unless transferred or discharged for physical disability, cause, or by reason of attaining the maximum age at which transfer from an active status or discharge is required by this Act.

18 years or more of service.

62 Stat. 1087.
10 USC 1036 et seq.

(b) Notwithstanding any other provisions of this Act, except as provided in sections 328 and 339, if on any date prescribed for the transfer from an active status or discharge of any Reserve officer, he has been credited with, or is entitled to be credited with nineteen or more, but less than twenty years of satisfactory Federal service for retired pay purposes under the provisions of title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, such officer shall not, without his consent, be transferred from an active status or discharged pursuant to this Act prior to the

date on which he is credited with twenty years of such satisfactory Federal service, or prior to the second anniversary of the date on which he would otherwise be transferred from an active status or discharged, whichever is earlier, unless transferred or discharged for physical disability, cause, or by reason of attaining the maximum age at which transfer from an active status or discharge is required by this Act.

Grade in Retired Reserve.

SEC. 206. (a) A Reserve officer recommended for promotion to any grade under this Act or found qualified for Federal recognition in a higher grade, who, at any time prior to promotion, is found incapacitated for service by reason of physical disability shall, if transferred to the Retired Reserve, be transferred in the grade for which recommended or found qualified for Federal recognition, unless holding appointment in or entitled to higher grade under other provisions of law. No increase in pay or benefits shall accrue by reason of such promotion unless otherwise provided by law.

66 Stat. 483.
50 USC 927.

(b) A Reserve officer shall, upon transfer to the Retired Reserve, be advanced on the reserve retired list established by section 207 of the Armed Forces Reserve Act of 1952 to the highest grade, permanent or temporary, satisfactorily held by him in the Armed Force of the United States in which holding appointment upon the date of his transfer to the Retired Reserve, as determined by the appropriate Secretary unless entitled to a higher grade under other provision of law. No increase in pay or benefits shall accrue by reason of such advancement unless otherwise provided by law.

(c) An officer of the Retired Reserve who is ordered to active duty and who is promoted to a higher temporary grade while so serving, shall upon relief from active duty be advanced upon the reserve retired list to that grade. No increase in pay or benefits shall accrue by reason of such advancement unless otherwise provided by law.

Active duty.

SEC. 207. Reserve officers who are hereafter ordered to active duty or active duty for training shall be so ordered in the grades held by them as Reserve officers except that the appropriate Secretary may, in his discretion, order such officers to active duty in any higher temporary grade.

Return to active status.

SEC. 208. Any Reserve officer recommended for promotion by a selection board or found qualified for Federal recognition in the next higher grade who, at the time he otherwise would be promoted is not eligible therefor because he has been removed from an active status, shall not, if returned to an active status, be placed on a recommended list for promotion until subsequently recommended for promotion by a selection board or found qualified for Federal recognition in the next higher grade and shall not be deemed to have been considered for promotion by the selection board or examined by the Federal recognition board which last considered or examined him prior to the time he is returned to an active status.

Emergency suspension of provisions.

SEC. 209. In time of war or national emergency declared by the Congress, the President is authorized, in his discretion, to suspend the operation of all or any part or parts of this Act with respect to any or all of the Armed Forces. If any or all of the provisions of this Act are suspended by the President under this section, the Secretary of Defense, prior to the provisions of this Act being again placed in operation, shall recommend to Congress necessary legislation designed to adjust the grades of Reserve officers and such legislation shall be, insofar as practicable, comparable to any similar legislation recommended for adjustment of the grades of officers of the Regular component of the appropriate Armed Force.

Sea or foreign service.

SEC. 210. There shall be no requirement for sea or foreign service for the promotion of Reserve officers under this Act.

SEC. 211. Except for the Coast Guard Reserve, the grades authorized for Reserve officers of an Armed Force, including those heretofore or hereafter transferred to the Retired Reserve, shall be the permanent grades authorized for officers of the Regular component of that Armed Force pursuant to the Officer Personnel Act of 1947, as amended. The grades authorized for Reserve officers of the Coast Guard shall be as provided in title 14, United States Code, section 754.

SEC. 212. Notwithstanding any other provision of this Act, a Reserve officer while he is assigned to the Selective Service System may be retained in an active status in such assignment until he becomes sixty years of age.

Grades of Reserve officers.

61 Stat. 795.
34 USC 3a note.

63 Stat. 551.
Selective Service System.

TITLE III—THE RESERVE COMPONENTS OF THE ARMY

SUBTITLE A—GENERAL

APPLICABILITY

SEC. 301. This title applies only to Reserve officers of the Army.

DEFINITIONS

SEC. 302. As used in this title—

- (a) "Secretary" means the Secretary of the Army.
- (b) "Convening officer" means the person authorized to convene a selection board.
- (c) "Unit" means a unit of a reserve component of the Army organized for the purpose of serving as such.
- (d) "Unit officer" means an officer in an active status assigned to a unit.
- (e) "Nonunit officer" means an officer in an active status not assigned to a unit.
- (f) "Promotion service" means the aggregate of the following:
 - (1) any period an officer has held a permanent appointment in his current grade in the Army while in an active status or on the active list of the Regular Army;
 - (2) for the first promotion under this title of an officer in an active status on January 1, 1953, who has not been promoted in grade since September 2, 1945, any period served on active duty in the Army in a temporary grade equal to or higher than his current grade; and
 - (3) any period credited under section 305 (b).

No period may be counted twice as promotion service. For a person credited with service for initial appointment under sections 201 or 305 (c), no period prior to appointment may be counted under (1) or (2) as promotion service.

(g) "Total years of service" means the greater of either—

- (1) the total periods for which the officer; (a) has held an appointment as a commissioned officer in any component of the Armed Forces of the United States or held a temporary appointment in the Army of the United States without component; (b) prior to June 15, 1933, has held an appointment as a commissioned officer in the federally recognized National Guard or a federally recognized commissioned status in the National Guard; (c) has been credited under sections 201 or 305 (c); or
- (2) the period of time by which the age of the officer exceeds twenty-five years.

No period may be counted twice in computing total years of service. For a person credited with service for initial appointment under

sections 201 or 305 (c), no period of service prior to appointment may be counted as total years of service.

10 USC 1b note. (h) "Special branch" means the Women's Army Corps and each special branch of the Army enumerated in the Army Organization Act of 1950 (64 Stat. 263) and any other special branch of the Army hereafter established pursuant to law.

(i) "Temporary appointment" means a temporary appointment in the Army of the United States without specification of component.

(j) "Temporary grade" means the grade in which an officer holds a temporary appointment.

PROMOTION PROCEDURES GENERALLY

65 Stat. 655. SEC. 303. (a) A Reserve officer may not be promoted unless authorized by this title. However, this shall not be deemed to be a limitation on the authority of the Secretary of the Army under section 207, Legislative Reorganization Act of 1946 (60 Stat. 837) as amended (5 U. S. C. 191a).

(b) To carry out the provisions of this title a promotion may be made effective before, on or after the date accomplished, and the officer shall be entitled to pay, allowances, and benefits authorized by law for the higher grade from such effective date.

(c) Promotions in a special branch will be made from among officers assigned to that branch. Promotions in any other branch will be made from officers not assigned to a special branch.

(d) A Reserve officer shall not be considered by a selection board more than two years prior to the anticipated date of his promotion.

(e) The Secretary shall prescribe regulations for the administration of this title, not inconsistent with the provisions hereof.

MAXIMUM GRADES FOR FEMALE OFFICERS

SEC. 304. A Women's Medical Specialist Corps Reserve officer may not be promoted to a grade above major. A Women's Army Corps or Army Nurse Corps Reserve officer may not be promoted to a grade above lieutenant colonel.

CONSTRUCTIVE CREDIT—APPOINTMENTS

SEC. 305. (a) Upon initial appointment as a Reserve officer, the grade of a person credited with service under section 201 shall be as follows:

Years of service credited	Grade
Less than three.....	Second lieutenant.
At least three, but less than seven.....	First lieutenant.
At least seven, but less than fourteen.....	Captain.
At least fourteen, but less than twenty-one.....	Major.
At least twenty-one.....	Lieutenant colonel.
At least twenty-three.....	Colonel or lieutenant colonel, as the Secretary determines.

(b) For a person appointed in a grade below colonel, any period of service credited under section 201 or under (c) which is in excess of the minimum years of service required under (a) for the grade in which appointed shall be credited as promotion service.

(c) A person heretofore initially appointed as a Reserve officer in the lowest grade of a special branch, having held no prior appointment as a commissioned officer of the Armed Forces, may for the purposes of this title be credited with the amount of service in an active status prescribed in section 201 as a minimum amount of service for the appropriate branch.

MINIMUM SERVICE IN GRADE

SEC. 306. (a) Except as provided in sections 317 (b) and 319, a Reserve officer in the grade of second lieutenant may not be promoted, or federally recognized, in the next higher grade, until he has three years of promotion service.

(b) A Reserve officer, other than an adjutant general or assistant adjutant general of a State, Territory, or the District of Columbia, in a grade above second lieutenant, may not be considered for promotion by a selection board or examined for Federal recognition in the next higher grade until he has the following minimum years of promotion service:

Grade	Minimum years of promotion service
First lieutenant.....	2
Captain.....	4
Major.....	4
Lieutenant colonel.....	3
Colonel.....	2
Brigadier general.....	2

AUTHORIZED NUMBER AND DISTRIBUTION IN GRADE

SEC. 307. (a) The authorized number of Reserve officers of the Army in an active status is two hundred and seventy-five thousand. The Secretary of the Army may authorize a larger number to meet mobilization requirements or to permit increases required by or resulting from the operation of other laws or the provisions of this Act. The authorized number of Reserve officers of the Army in an active status in each of the several grades, as prescribed by the Secretary of the Army, shall not exceed the following percentages of the total authorized number: 2 per centum in the grade of colonel; 6 per centum in the grade of lieutenant colonel; 13 per centum in the grade of major; 35 per centum in the grade of captain, and the remainder in the grade of first lieutenant and second lieutenant, except for the number authorized in general officer grades. The authorized number of reserve officers of the Army in general officer grades in an active status in the Army Reserve and the National Guard of the United States, exclusive of Reserve officers serving in general officer grades as adjutants general or assistant adjutants general of a State, Territory, or the District of Columbia, or in the National Guard Bureau, shall be 207. The numbers authorized for any grade may be exceeded by the number of vacancies existing in any higher grade.

(b) The Secretary shall distribute the total numbers of Reserve officers for each grade authorized pursuant to section 201 between—

(1) officers in units of each reserve component, by prescribing appropriate Tables of Organization and Tables of Distribution; and

(2) officers not assigned to units, further distributed among—

(i) each special branch; and

(ii) all other branches grouped together.

(c) An officer retained in an active status under section 205 of this Act is an additional number to the number of officers otherwise authorized by law.

SUBTITLE B—NONUNIT OFFICERS

PROMOTION TO FIRST LIEUTENANT

SEC. 308. Each nonunit officer of the Army Reserve in the grade of second lieutenant who is found by the Secretary or any officer he

designates to be qualified for promotion shall be promoted, effective on the date he has three years of promotion service, regardless of a vacancy in the grade of first lieutenant.

GRADE STRUCTURE VACANCIES—PROMOTION TO CAPTAIN, MAJOR,
AND LIEUTENANT COLONEL

SEC. 309. (a) When the Secretary determines that there are existing or anticipated vacancies within the numbers authorized pursuant to section 307 (b) (2) (i) or (ii) for the grades of captain, major, or lieutenant colonel, he may appoint and convene one or more selection boards to consider and recommend nonunit officers of the Army Reserve for promotion to fill the vacancies. The Secretary shall prescribe for each zone of consideration list established under section 314 (a) the minimum promotion service an officer of the appropriate branch must have to be placed thereon, and shall require that the nonunit officers with the prescribed promotion service and the total years of service required by section 315 (b) be placed thereon. He shall also prescribe the number of officers to be recommended for promotion from each list.

(b) Upon attaining the total years of service required by section 315 (a), an officer recommended for promotion under this section may be promoted at any time to fill a vacancy, but it is not mandatory that the authorized number in these grades be maintained.

(c) Women's Medical Specialist Corps or Army Nurse Corps Reserve officers in the grade of captain or higher and Women's Army Corps Reserve officers in the grade of major may not be considered for promotion under this section.

MANDATORY CONSIDERATION—MAXIMUM SERVICE IN GRADE—PROMOTION
TO CAPTAIN, MAJOR, AND LIEUTENANT COLONEL

SEC. 310. (a) Regardless of a vacancy in the next higher grade, each nonunit officer of the Army Reserve in the grade of first lieutenant, captain, or major who has not previously been considered by a selection board under this section or section 309 shall be considered by a selection board sufficiently in advance of the date he will have, respectively, four, seven, or seven years of promotion service and the total years of service required by section 315 (a) so that, if recommended by the board, he may be promoted, effective on the date he has that service.

(b) Women's Medical Specialist Corps or Army Nurse Corps Reserve officers in the grade of captain or higher and Women's Army Corps Reserve officers in the grade of major may not be considered for promotion under this section.

(c) When he has the total years of service required by section 315 (a), an officer recommended for promotion under this section may be promoted at any time to fill a vacancy. If not sooner promoted, he shall be promoted, effective on the date he has four, seven or seven years of promotion service, respectively, and the total years of service required by section 315 (a), regardless of a vacancy in the grade for which recommended.

(d) An officer in the grade of first lieutenant, captain, or major who becomes a nonunit officer upon transfer from an inactive status or from the National Guard of the United States or upon release from a unit in the Army Reserve, after he has promotion service equal to or greater than that required for consideration under subsection (a) and the total years of service required by section 315 (b), shall be considered by the next appropriate selection board, and, if recommended for promotion, shall be promoted on the date the board reports its recom-

mentations, or the date he has the years of promotion service prescribed in subsection (a), or the date he attains the total years of service required under section 315 (a), whichever is later.

(e) The authorized numbers of Reserve officers in each grade shall be temporarily increased, if necessary, to permit promotion under this section.

SECOND CONSIDERATION

SEC. 311. A nonunit officer in the grade of first lieutenant, captain, or major who is considered by a selection board under section 309 or 310 and not recommended for promotion shall, if he remains in an active status, be placed on the next zone of consideration list established for consideration of officers of his branch and grade under section 309 or 310. If he is considered for promotion a second time and not recommended, he may not thereafter be considered for promotion or examined for Federal recognition. If the second consideration is under section 310, and he is recommended for promotion, he will be promoted one year after the date he would have been promoted had he been recommended by the board which first considered him.

GRADE STRUCTURE VACANCY—PROMOTION TO COLONEL AND FEMALE FIELD GRADES

SEC. 312. When the Secretary determines that there are existing or anticipated vacancies within the numbers authorized pursuant to section 307 (b) (2) (i) or (ii) for the grades of major in the Army Nurse Corps or Women's Medical Specialist Corps, lieutenant colonel in the Army Nurse Corps or Women's Army Corps, or colonel in any other branch, he may appoint and convene one or more selection boards to consider and recommend nonunit officers to fill the vacancies. The Secretary shall prescribe for each zone of consideration list established pursuant to section 314 (a) the minimum promotion service an officer of the appropriate branch shall have to be placed thereon, and shall require that each nonunit officer with the prescribed promotion service and the total years of service required by section 315 (b) be placed thereon. The Secretary shall also prescribe the number of officers to be recommended for promotion from each list. The selection board shall recommend the prescribed number of officers deemed best qualified among those on the zone of consideration list. Upon attaining the total years of service required by section 315 (a), an officer recommended for promotion under this section may be promoted at any time to fill a vacancy, but it is not mandatory that the authorized number in these grades be maintained.

GRADE STRUCTURE VACANCY—PROMOTION TO BRIGADIER GENERAL AND MAJOR GENERAL

SEC. 313. When vacancies are authorized or are anticipated among nonunit officers of the Army Reserve in the grades of major general or brigadier general, the Secretary may appoint and convene a selection board to consider for promotion officers of the Army Reserve in the grade of brigadier general and colonel, respectively, who fulfill the requirements of section 306 and who meet minimum standards to be prescribed by the Secretary, and prescribe the number of officers to be recommended for promotion. The selection board shall recommend the prescribed number of officers deemed best qualified of those considered. Upon attaining the total years of service required by section 315 (a), an officer recommended for promotion under this sec-

tion may be promoted at any time to fill a vacancy, but it is not mandatory that the authorized number in these grades be maintained.

METHOD OF SELECTION AND ORDER OF PROMOTION

SEC. 314. (a) When nonunit officers are considered for promotion under sections 309, 310, 312, or 313, the names of officers assigned to each special branch will be placed on a separate zone of consideration list for, or considered for promotion for service in, that branch, and the names of all other officers will be placed on a zone of consideration list or considered for promotion without regard to the branch to which they are assigned. The convening officer will refer each zone of consideration list to a selection board for consideration.

(b) A selection board will employ one of the following means of selection, as directed by the Secretary—

(1) When officers are being considered under section 310, he may require the board to recommend those referred to it whom it considers fully qualified for promotion, and to report those whom it considers not fully qualified for promotion;

(2) When officers are being considered under section 309, he may require the board to consider the officers referred to it in the order of length of promotion service, to recommend those considered fully qualified for promotion, and to pass over and report those whom it considers not fully qualified for promotion, and to continue such procedure until the number of officers specified by him is recommended; and

(3) In lieu of the means prescribed in (1) or (2), he may require the board to recommend a specified number of officers whom the board considers the best qualified of those referred to it for consideration.

When officers are considered for promotion to the grade of captain, major, or lieutenant colonel under the means prescribed in subsection (b) (3) the selection board shall recommend for promotion a minimum of 80 per centum of those officers referred to it for consideration.

(c) Except as provided in subsection (d), when a nonunit officer is recommended for promotion under sections 309, 310, or 312—

(1) if assigned to a special branch, he may not be promoted before a nonunit officer of the same grade and branch who has more promotion service and has been recommended for promotion; or

(2) if not assigned to a special branch, he may not be promoted before a nonunit officer of the same grade not assigned to a special branch who has more promotion service and has been recommended for promotion.

(d) For the purpose of administering subsection (c)—

(1) the Secretary shall prescribe by regulations the order in which officers having the same promotion service shall be promoted;

(2) the promotion of an officer, otherwise eligible for promotion, will not be withheld because of the delay under section 311 of the promotion of an officer with more promotion service; and

(3) an officer who has completed the total years of service required for his grade by section 315 (a) may be promoted before an officer who has not completed the required total years of service.

TOTAL YEARS OF SERVICE REQUIRED FOR FIRST NONUNIT PROMOTION

SEC. 315. (a) A Reserve officer in a grade indicated below on the effective date of this Act may not be promoted for the first time under

sections 309, 310, 312, or 313 until he has completed the following total years of service:

Grade	Total years of service
First lieutenant.....	6
Captain.....	12
Major.....	17
Lieutenant colonel or higher.....	19

(b) Such officer may not be considered by a selection board for such promotion until he is within one year of completing the foregoing total years of service.

(c) A Reserve officer who becomes a nonunit officer upon transfer from the National Guard of the United States or upon release from a unit in the Army Reserve may not be promoted thereafter for the first time until he has completed the total years of service prescribed in subsection (a).

SUBTITLE C—UNIT OFFICERS, ARMY RESERVE

PROMOTION TO FIRST LIEUTENANT

SEC. 316. Each unit officer of the Army Reserve in the grade of second lieutenant found by the Secretary or any officer acting under his discretion to be qualified for promotion shall be promoted to the grade of first lieutenant effective on the date he has three years of promotion service, irrespective of the existence of a vacancy in such grade.

UNIT VACANCY—PROMOTION TO CAPTAIN, MAJOR, LIEUTENANT COLONEL, AND COLONEL—SPECIAL PROMOTION OF SECOND LIEUTENANTS AND FIRST LIEUTENANTS

SEC. 317. (a) The Secretary may appoint and convene a selection board to consider and recommend officers of a unit of the Army Reserve for promotion to fill a vacancy in that unit within the numbers authorized for that unit pursuant to section 307 (a) in the grade of captain, major, lieutenant colonel, or colonel.

(b) The convening officer under subsection (a) shall place the name of each officer assigned to the unit who is eligible under sections 303 (c) and 306 (b) and by reason of geographical availability for consideration for promotion to fill the vacancy, on a zone of consideration list and refer it to the selection board for consideration. The convening officer may also place on such list for consideration for promotion to the next higher grade the name of any officer in the grade of second lieutenant or first lieutenant who has served creditably in a unit vacancy prescribed for a captain for twelve months or more, without regard to the requirements of section 306, provided the officer has not previously been promoted under this provision. The selection board shall recommend the officer deemed best qualified to fill the vacancy. An officer recommended by the board may be immediately promoted to fill the unit vacancy for which considered.

UNIT VACANCY—PROMOTION TO BRIGADIER GENERAL AND MAJOR GENERAL

SEC. 318. (a) Officers in the Army Reserve may be promoted to general officer grades of brigadier general and major general to fill vacancies in these grades in Army Reserve units which have attained strengths prescribed by the Secretary.

(b) At any time within one year after an officer has been assigned the duties of a general officer of the next higher grade in an Army Reserve unit he shall be evaluated by his superior officer. If he determines that the officer has demonstrated his fitness for that position

he shall submit the officer's name to the Secretary of the Army for consideration by a selection board for promotion to the next higher grade.

(c) In order to be eligible for consideration by a selection board for promotion to general officer grade in the Army Reserve the officer, in addition to meeting the other requirements of this Act, shall have fulfilled such minimum standards as shall be prescribed by the Secretary.

(d) The names of the officers who fulfill the requirements of this section and section 306 shall be submitted for consideration for promotion to a selection board appointed and convened at least once annually by the Secretary. This selection board shall recommend the officer deemed best qualified to fill each vacancy. An officer recommended by the board may be immediately promoted to fill the unit vacancy for which considered.

SUBTITLE D—OFFICERS OF THE NATIONAL GUARD OF THE UNITED STATES

EXAMINATION FOR FEDERAL RECOGNITION UPON UNIT VACANCY PROMOTION

SEC. 319. Each officer of the National Guard of a State, Territory, or the District of Columbia who is promoted to fill a vacancy in a federally recognized unit thereof authorized under section 307 (a) and who is eligible under section 306 (b) shall be examined for Federal recognition in the higher grade. Any officer in the grade of second lieutenant or first lieutenant who has served creditably in a unit vacancy prescribed for a captain for twelve months or more may be examined for Federal recognition in the next higher grade without regard to the requirements of section 306, provided the officer has not previously been federally recognized under this provision.

AUTOMATIC FEDERAL RECOGNITION

SEC. 320. Notwithstanding section 319 of this Act and section 75 of the National Defense Act, as amended—

48 Stat. 158.
32 USC 113.

(1) an officer of the National Guard of a State, Territory, or the District of Columbia in the grade of second lieutenant who is promoted to first lieutenant to fill an authorized vacancy in a unit thereof shall be automatically extended Federal recognition in the higher grade effective on the date he completes three years of promotion service or the date of the promotion, whichever is later; and

(2) an officer of the Army Reserve in a grade above second lieutenant who is appointed in the next higher grade in the National Guard of a State, Territory, or the District of Columbia to fill an authorized unit vacancy shall be automatically extended Federal recognition in the higher grade effective on the date of appointment if he has been recommended for promotion to the higher grade under the provisions of sections 309, 310, 312, or 317, and has remained in an active status since being recommended.

PROMOTION TO HIGHER GRADE IN THE NATIONAL GUARD OF THE UNITED STATES

SEC. 321. An officer in the National Guard of the United States extended Federal recognition to a higher grade under sections 319 or 320 may be promoted to the higher grade effective on the date of extension of Federal recognition.

PROMOTION UPON TRANSFER TO ARMY RESERVE

SEC. 322. Except when the Secretary determines that it is not in the best interest of the service a Reserve officer transferred from the National Guard of the United States to the Army Reserve will be advanced as a Reserve officer to the highest permanent grade previously held in the Army, notwithstanding any other provision of this Act, without regard to the requirement of confirmation by the Senate under section 218, Armed Forces Reserve Act of 1952 (66 Stat. 487).

50 USC 942.

APPOINTMENT OF ADJUTANTS GENERAL AND ASSISTANT
ADJUTANTS GENERAL AS RESERVE OFFICERS

SEC. 323. An adjutant general or assistant adjutant general of a State, Territory, or the District of Columbia, upon being extended Federal recognition in his grade, may be appointed as a Reserve officer of the Army effective upon the date of extension of Federal recognition, notwithstanding any other provisions of this Act.

SUBTITLE E—ELIMINATION

ELIMINATION OF SECOND LIEUTENANTS

SEC. 324. Except as provided by sections 204 and 205, a Reserve officer in the grade of second lieutenant whose promotion to the next higher grade is not accomplished by or on the date he completes three years of promotion service shall be discharged and, if an officer of the National Guard of the United States, his Federal recognition shall be concurrently withdrawn, notwithstanding section 76 of the National Defense Act, as amended.

48 Stat. 158.
32 USC 115.

ELIMINATION OF FIRST LIEUTENANTS, CAPTAINS, AND MAJORS

SEC. 325. Except as provided by sections 204 and 205, a Reserve officer in the grade of first lieutenant, captain, or major who is considered for promotion while serving in his grade by two selection boards convened under section 309 or 310 and not recommended for promotion by either board shall be discharged or, if he makes application therefor and is qualified, transferred to the Retired Reserve within ninety days after the second selection board submits its report to the convening authority.

MAXIMUM WAGES

SEC. 326. (a) Except as provided hereafter in this section, a Reserve officer in the grade or position indicated below who is not removed from an active status at an earlier date under other provisions of law, shall, on the last day of the month in which he attains the following age, be discharged or, if qualified and he makes application therefor, transferred to the Retired Reserve:

Grade or position	Age
Chief, National Guard Bureau; adjutant general or commanding general of troops of a State, Territory, or the District of Columbia	64
Major general, other than the above	62
Brigadier general and below	60

Effective only for five years following the effective date of this Act, the following ages shall apply instead:

Grade or position	Age
Chief, National Guard Bureau; adjutant general or commanding general of troops of a State, Territory, or the District of Columbia	64
Major general, other than the above	62
Brigadier general	60
Colonel	58
Lieutenant colonel and below	55

(b) A Reserve officer who has been recommended for promotion and has remained in an active status since the recommendation shall be governed by the maximum age prescribed in (a) for the grade to which recommended for promotion.

(c) A Reserve officer who, on the effective date of this Act, has attained an age in excess of the maximum prescribed for his grade under (a) shall, on the last day of the month in which this Act becomes effective, be discharged or, if qualified and he makes application therefor, be transferred to the Retired Reserve.

(d) The Secretary may authorize the retention in an active status of a Reserve officer in the National Guard of the United States in the grade of colonel or below who would otherwise be removed from an active status under this section or section 327, who is assigned to a headquarters or headquarters detachment of a State, Territory, or the District of Columbia, until he attains sixty years of age.

(e) For the purpose of section 206, the maximum age at which transfer from an active status or discharge is required shall be sixty-four in case of the Chief, National Guard Bureau, or an adjutant general or commanding general of troops of a State, Territory, or the District of Columbia, sixty-two in case of a major general other than the foregoing, and sixty in case of an officer below major general.

(f) Effective after that date which is five years after the effective date of this Act each Reserve officer assigned in the Army Nurse Corps or the Women's Specialist Corps shall be discharged or, if she makes application therefor and is qualified, be transferred to the Retired Reserve, on the last day of the month in which such an officer in a grade of major or higher attains the age of fifty-five or in which such an officer in a grade below major attains the age of fifty. Such an officer in the grade of captain who has been recommended for promotion and has remained in an active status since the recommendation shall be governed by the provision of this subsection applicable to major or above.

ELIMINATION OF OFFICERS FOR LENGTH OF SERVICE

SEC. 327. (a) Unless otherwise provided by law, each Reserve officer in the grade of major general, brigadier general, or colonel in an active status who is not removed from an active status at an earlier date under other provisions of law, shall be discharged or, if he makes application therefor and is qualified, transferred to the Retired Reserve, on that date which is thirty days after the date upon which he completes thirty-five, thirty, or thirty total years of service, respectively, or on the fifth anniversary of the date of his appointment in that grade, whichever is later.

(b) Unless otherwise provided by law, each Reserve officer in the grade of first lieutenant, captain, major, or lieutenant colonel in an active status who is not removed from an active status at an earlier date under other provisions of law, shall be discharged or, if he makes application therefor and is qualified, transferred to the Retired Reserve, on that date which is thirty days after the date upon which he completes twenty-eight total years of service.

(c) Each Reserve officer in the grade of brigadier general, colonel, or lieutenant colonel who has been recommended for promotion before the time he otherwise would be removed from an active status under (a) or (b) shall be retained in an active status until appointed or refused appointment in the next higher grade and if so appointed his removal from an active status shall be governed by the provisions of (a) for the grade of major general, brigadier general, or colonel, respectively.

(d) (1) Each Reserve officer in grade of lieutenant colonel assigned in the Women's Army Corps who is not removed from an active status at an earlier date under other provisions of law, shall be discharged or, if she makes application therefor and is qualified, be transferred to the Retired Reserve, on that date which is thirty days after the date upon which she completes twenty-eight total years of service. However, any such officer may, in the discretion of the Secretary, be retained in an active status but not later than that date which is thirty days after the date upon which she completes thirty total years of service.

(2) Each Reserve officer in grade of major assigned in Women's Army Corps who is not removed from an active status at an earlier date under other provisions of law, shall be discharged or, if she makes application therefor and is qualified, be transferred to the Retired Reserve, on that date which is thirty days after the date upon which she completes twenty-five total years of service. However, any such officer who at that time has been recommended for promotion to the next higher grade and has remained in an active status since the recommendation shall be governed by the provisions of paragraph (1) of this subsection.

(e) The foregoing subsections shall be effective after that date which is five years after the effective date of this Act.

RETENTION OF OFFICERS WITH CERTAIN SATISFACTORY FEDERAL SERVICE

SEC. 328. Any person who is a Reserve officer on the effective date of this Act who upon reaching the ages prescribed in section 326 for the five years following the effective date of this Act has not been earlier removed from an active status at an earlier date and has not completed twenty years of satisfactory Federal service under title III, Army and Air Force Vitalization and Equalization Act of 1948 (62 Stat. 1087), but who could complete twenty years of such satisfactory Federal service prior to reaching age sixty may be retained in an active status until he completes twenty years of satisfactory Federal service or fails to perform a year of satisfactory Federal service, whichever occurs earlier.

10 USC 1036 et
seq.

DISPOSITION OF GENERAL OFFICERS UPON CEASING TO OCCUPY POSITION

SEC. 329. When a Reserve officer in a grade above colonel ceases to occupy a position commensurate with his grade or a higher grade, the Secretary shall require that one of the following actions, at the option of the officer, be taken within thirty days:

- (1) transfer of the officer in grade to the inactive status list of the Standby Reserve, if qualified, or, if qualified and he makes application therefor, to the Retired Reserve; or
- (2) discharge of the officer and, if qualified and he applies therefor, appointment of him as a Reserve officer in the grade held as a Reserve officer prior to appointment in a general officer grade; or
- (3) discharge of the officer if not transferred under (1) or discharged and appointed under (2).

EXCESS NUMBERS IN GRADE

SEC. 330. Whenever the Secretary determines that there is an excessive number of Reserve officers in an active status in any grade who have completed thirty years of service or twenty or more years of satisfactory Federal service for retirement purposes under title III of the Army and Air Force Vitalization and Retirement Equaliza-

10 USC 1036 et
seq.

tion Act of 1948 (62 Stat. 1087), he will convene a board to consider all nonunit officers of that grade who have completed such service and recommend for removal from an active status and transfer to the Retired Reserve or discharge a specified number thereof, and the Secretary, in his discretion, is authorized to transfer an officer so recommended to the Retired Reserve or, if the officer does not make application therefor or is not qualified, to discharge him.

SUBTITLE F—RESERVE OFFICERS ON ACTIVE DUTY

APPLICABILITY OF OTHER SUBTITLES

SEC. 331. The provisions of subtitles A, B, and E, including provisions by their terms applicable only to officers of the Army Reserve shall be applicable to all Reserve officers serving on active duty except as prescribed in this subtitle. Officers of the National Guard of the United States on active duty shall be considered by selection boards for promotion along with other Reserve officers on active duty in lieu of examination for Federal recognition, but promotion of officers of the National Guard of the United States on active duty shall be subject to the procedures of section 336.

PROCEDURE FOR OFFICERS ELIGIBLE FOR UNIT VACANCY PROMOTION ENTERING ON ACTIVE DUTY

SEC. 332. A Reserve officer who at the time he enters on active duty is on a zone of consideration list established for consideration of officers under subtitle C, has had his name submitted to a selection board for consideration under that subtitle, or has been recommended for promotion under that subtitle but not promoted, shall be removed from such list or withdrawn from those recommended for promotion, and he shall be deemed not to have been considered for promotion thereby.

PROMOTION TO HIGHER GRADE WHILE ON ACTIVE DUTY

SEC. 333. A Reserve officer serving on active duty who is recommended for promotion to a grade higher than that in which serving shall prior to promotion elect either to serve on active duty in the temporary grade which he holds or to which he may be appointed equal to or higher than the grade held at the time of such election, or to be relieved from active duty.

PROMOTION UNDER MANDATORY CONSIDERATION OF OFFICERS WITH HIGHER TEMPORARY GRADE

SEC. 334. Reserve officers on a zone of consideration list for consideration for promotion under section 310 who are serving in or have been recommended for promotion to a temporary grade equal to or higher than the grade for which they are to be considered for promotion shall not be considered by a selection board but shall be deemed to be recommended for promotion and shall be promoted upon completion of the required years of promotion service and the total years of service required by section 315 (a).

APPOINTMENT IN APPROPRIATE HIGHER GRADE AFTER TEMPORARY
APPOINTMENT

SEC. 335. A Reserve officer on active duty who holds an appointment in a temporary grade higher than his current grade shall be appointed, or if he is an officer in the National Guard of the United States shall be eligible to be appointed, to an appropriate higher grade but not above colonel equal to or lower than his temporary grade when he has completed the years of service for the appropriate higher grade to be prescribed by the Secretary annually which shall conform as nearly as possible to the corresponding periods of total service upon which Regular officers are then being promoted.

PROCEDURE FOR OFFICERS OF THE NATIONAL GUARD OF THE UNITED STATES

SEC. 336. When an officer in the National Guard of the United States on active duty is recommended for promotion or becomes eligible for appointment under section 335 the appropriate State authority will be afforded the opportunity to promote him to fill a unit vacancy in the National Guard of the State, Territory, or the District of Columbia, specially created for that purpose, if necessary. If promoted in the National Guard of the State, Territory, or the District of Columbia, he will be automatically extended Federal recognition effective on the date he would have been promoted if he were an officer in the Army Reserve. He may be promoted as a Reserve officer effective on the date of extension of Federal recognition. If not promoted in the National Guard of the State, Territory, or the District of Columbia, Federal recognition in his current grade shall be withdrawn and he shall be transferred to the Army Reserve.

WITHHOLDING OF CERTAIN PROMOTIONS

SEC. 337. A Reserve officer on active duty recommended for promotion who prior to promotion is released from active duty as a result of action by a court-martial or a board of officers or request for release in lieu thereof shall not be promoted on the basis of that recommendation. The promotion of a Reserve officer under investigation or against whom proceedings of a court-martial or board of officers are pending may be delayed until such investigation or proceedings are completed.

PROMOTION UPON RELEASE FROM ACTIVE DUTY

SEC. 338. Upon release from active duty, a Reserve officer shall be appointed in a grade equal to the highest temporary grade in which he served satisfactorily as determined by the Secretary. An officer may not thereafter be promoted as a nonunit officer for the first time until he is qualified under section 315 (a).

RETENTION OF CERTAIN OFFICERS FOR ADDITIONAL SERVICE

SEC. 339. (a) A Reserve officer who otherwise would be removed from an active status under section 326 before the expiration of the period for which he has agreed to serve on active duty in which serving on the effective date of this Act, may, in the discretion of the Secretary, be retained on active duty until the expiration of such period and shall not be removed from an active status so long as he remains on active duty.

(b) A Reserve officer serving on active duty in the temporary grade of colonel or higher who otherwise would be removed from an active

status under section 326 may in the discretion of the Secretary be retained on active duty but not beyond the sixtieth anniversary of his birth and shall not be removed from an active status so long as he remains on active duty.

10 USC 594,
943a, 971b, 1001 et
seq.

(c) A Reserve officer serving on active duty on the effective date of this Act who on the date he otherwise would be removed from an active status under section 325 has completed at least eighteen but less than twenty years of active Federal service under title II, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1084) may, in the discretion of the Secretary, be retained on active duty until he completes twenty years of active Federal service provided he will then be entitled for the benefits under that title and will not earlier attain age sixty. He shall not be removed from an active status so long as he remains on active duty.

(d) A Reserve officer serving on active duty on the effective date of this Act who on the date he otherwise would be removed from an active status under section 326—

(1) does not qualify for the benefits under title II, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1084),

10 USC 594,
943a, 971b, 1001 et
seq., 1036 et seq.

(2) but could become entitled on or before attaining age sixty for the benefits under title II or title III of that Act, may, in the discretion of the Secretary, be retained on active duty until he becomes entitled to receive the benefits under title II or under title III of that Act, whichever occurs earlier. He shall not be removed from an active status so long as he remains on active duty.

SUBTITLE G—MISCELLANEOUS PROVISIONS

ASSIMILATION OF CORRESPONDING REGULATIONS

50 USC 936.

SEC. 340. Actions taken, selection boards convened, and promotions effected under appropriate Army Regulations promulgated pursuant to subsection 216 (a), Armed Forces Reserve Act of 1952 (66 Stat. 486), shall be considered as actions taken, selection boards convened, and promotions effected under the comparable provisions of this title.

TITLE IV—THE NAVAL RESERVE AND MARINE CORPS RESERVE

SEC. 401. (a) This title is applicable only to the Naval Reserve and the Marine Corps Reserve.

(b) When used in this title—

(1) "Corresponding Regular component" means the Regular component of the Navy with respect to officers of the Naval Reserve, or the Regular component of the Marine Corps with respect to officers of the Marine Corps Reserve.

(2) "Secretary" means Secretary of the Navy.

Authorized num-
ber of officers.

SEC. 402. (a) The authorized number of officers in the Naval Reserve in an active status shall be one hundred and fifty thousand and the authorized number of officers in an active status in the Marine Corps Reserve shall be twenty-nine thousand five hundred. The actual number of Reserve officers in an active status at any time shall not exceed these authorized numbers unless the Secretary shall determine that a greater number is necessary for planned mobilization requirements, or unless such excess shall result directly from the operation of mandatory provisions of this or other laws.

(b) The authorized number of officers of the line of the Naval Reserve in active status in each of the grades below the grade of rear

admiral shall be a percentage of the total number of such officers in active status below the grade of rear admiral, and shall be 1.5 per centum in the grade of captain, 7 per centum in the grade of commander, 22 per centum in the grade of lieutenant commander, 37 per centum in the grade of lieutenant, and 32.5 per centum in the combined grades of lieutenant (junior grade) and ensign, except that when the actual number of Naval Reserve line officers in active status in any grade is less than the number which is so authorized, the difference may be applied to increase the authorized number in any lower grade or grades. No Reserve officer shall be reduced in rank or grade solely because of a reduction in an authorized number provided in this subsection. The authorized number of Naval Reserve officers in active status in the grade of rear admiral shall be forty-eight, distributed among the line and staff corps of the Naval Reserve in the following numbers: twenty-eight in the line, seven in the Medical Corps, eight in the Supply Corps, one in the Chaplain Corps, two in the Civil Engineer Corps, and two in the Dental Corps.

(c) The authorized number of officers of the Marine Corps Reserve in active status in each of the grades below the grade of brigadier general shall be a percentage of the total number of such officers in active status below the grade of brigadier general, and shall be 2 per centum in the grade of colonel, 6 per centum in the grade of lieutenant colonel, 12 per centum in the grade of major, 35 per centum in the grade of captain, and 45 per centum in the combined grades of first and second lieutenant, except that when the actual number of Marine Corps Reserve officers in active status in any grade is less than the number which is so authorized, the difference may be applied to increase the authorized number in any lower grade or grades. No Reserve officer shall be reduced in rank or grade solely because of a reduction in an authorized number provided in this subsection. The total authorized number of Marine Corps Reserve officers in active status in general officer grades shall be five.

(d) The Secretary shall prescribe the number of Reserve officers in each grade who may be promoted annually under the provisions of this title. The number which shall be so prescribed for each grade shall be the number determined to be necessary to provide equitable opportunity for promotion among succeeding groups of Reserve officers and an adequate continuing strength of Reserve officers in an active status, and shall not cause the number of Reserve officers in active status in any grade to exceed the number authorized in this section for that grade.

SEC. 403. The law now existing or hereafter enacted relating to the selection for promotion of an officer of the corresponding regular component shall apply to an officer of the reserve component, except as otherwise provided in this Act or except as may be necessary, in the discretion of the Secretary, to adapt such provisions to the reserve component. The relationship between officers of the line and staff corps of the Naval Reserve shall conform to that prescribed for line and staff officers of the Regular Navy in respect to a determination of the number of staff officers which may be recommended for promotion.

Promotion.

SEC. 404. (a) While in the grade of lieutenant (junior grade) or in a higher grade to which initially appointed, each Naval Reserve officer shall have a running mate of the same grade who shall be the line officer on active duty on the lineal list of the Navy next junior to him.

Running mates.

(b) While in the grade of first lieutenant, or a higher grade to which initially appointed, each Marine Corps Reserve officer shall have a running mate of the same grade who shall be the line officer of the regular Marine Corps next junior to him.

(c) A Reserve officer assigned a running mate at any time subsequent to the initial assignment provided in subsection (a), (b) or (f) of this section, shall be assigned such running mate in accordance with the principle prescribed by law for the assignment of running mates of the staff corps of the regular Navy, except that whenever possible such running mate shall be the line officer on active duty on the lineal list of the Navy next junior to him or the line officer of the regular Marine Corps next junior to him, in accordance with the principle expressed in subsections (a) or (b) of this section.

(d) In the application of subsections (a), (b), and (c) of this section, running mates shall be officers who by law are not restricted in the performance of duty.

(e) A woman Reserve officer shall have as her running mate a woman officer of the corresponding regular component.

(f) A Reserve officer who has been assigned a running mate under laws in effect on the effective date of this Act, shall continue to be considered for the purposes of this Act with that running mate, unless assigned a new running mate under the provision of subsection (c) of this section.

Eligibility for promotion.

SEC. 405. (a) A male Naval Reserve officer of any grade higher than ensign shall be in a promotion zone when his running mate is in or above a promotion zone and shall then become eligible for consideration by a selection board for promotion to the next higher grade. A woman Naval Reserve officer of any grade higher than ensign shall become eligible for consideration for promotion when her running mate becomes eligible for consideration for promotion, and shall remain eligible for consideration for promotion until transferred to the Retired Reserve or the inactive-status list or discharged under any law. An officer of the Nurse Corps Reserve of any grade higher than ensign shall be eligible for consideration for promotion when she is senior to the junior officer in the same grade on active duty on the lineal list who has been selected for promotion.

(b) A male Marine Corps Reserve officer of any grade higher than second lieutenant shall be in a promotion zone when his running mate or any male Reserve officer junior to that Reserve officer is in or above a promotion zone and shall then become eligible for consideration by a selection board for promotion to the next higher grade. A woman Marine Corps Reserve officer of any grade higher than second lieutenant shall be eligible for consideration for promotion when her running mate, or any woman Reserve officer junior to that woman Reserve officer, becomes ineligible for consideration by a selection board for promotion to the next higher grade.

(c) A Reserve officer in the grade of ensign or second lieutenant shall be eligible for promotion to the grade of lieutenant (junior grade) or first lieutenant, respectively, upon the completion of three years' service in grade in an active status computed from date of rank of ensign or second lieutenant.

(d) The name of any officer who is otherwise eligible for consideration for selection for promotion under subsections (a) or (b) of this section, or for promotion under subsection (c) of this section, but who has failed to meet requirements for eligibility prescribed by the Secretary of the Navy, may be withheld from consideration.

Date of rank upon promotion.

SEC. 406. Except as otherwise provided in this Act, the laws relating to the eligibility for promotion and the promotion of an officer of the regular component on a promotion list shall apply to an officer of the reserve component on a promotion list, except that—

(1) a line officer of the Naval Reserve shall have, on promotion, the same date of rank which has been, or in due course will be, given the officer who is to be his running mate in the grade

to which promoted and shall be allowed the pay and allowances of the higher grade for duty performed from the date of the vacancy that such running mate was promoted to fill; and

(2) an officer of the Marine Corps Reserve shall have, on promotion, the same date of rank which has been, or in due course will be, given the officer who is to be his running mate in the grade to which promoted, or, if considered for promotion by reason of being senior to a Reserve officer on active duty in the promotion zone, the same date of rank as that Reserve officer; and shall be allowed the pay and allowances of the higher grade for duty performed from the date he became eligible for promotion.

SEC. 407. (a) This title shall apply only to a Reserve officer in an active status. However, the provisions of this title relating to eligibility for consideration by a selection board for promotion shall not apply to any such officer whose name was furnished by the Secretary of the Navy to the immediately preceding selection board appointed to recommend officers on active duty in the Navy or Marine Corps for promotion to the grade next higher than that of the officer concerned.

Applicability of title.

(b) Notwithstanding subsection (a), any Reserve officer who has been selected for promotion under any law, and whose status with respect to active duty has been changed prior to his promotion, shall be eligible for promotion under the provisions of this Act.

SEC. 408. (a) No Reserve officer shall be promoted to a higher grade until he has qualified therefor by such moral, professional, and physical examinations as the Secretary may prescribe, and until he has attained the minimum number of points prescribed by the Secretary with the approval of the Secretary of Defense. The physical standards for promotion shall be the same as those which may be prescribed for retention in the Naval Reserve or Marine Corps Reserve.

Qualifications for promotion.

(b) Subsection (a) of this section shall not exclude from the promotion to which he would otherwise be regularly entitled any Reserve officer in whose case a medical board may report that his physical disqualification for duty at sea or in the field was occasioned by wounds received in the line of duty, and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

SEC. 409. The President may remove the name of any Reserve officer from the promotion list. An officer whose name is so removed from the promotion list, or one whose appointment is rejected by the Senate, shall continue to be eligible for consideration for recommendation for promotion. The next ensuing selection board may recommend the officer concerned for promotion, and thereupon, with the approval of the President, the name of such officer shall be replaced on the promotion list without prejudice by reason of its having been temporarily removed therefrom, and when promoted such officer shall take the same lineal rank and date of rank that he would have had had his name not been so removed. If such officer is not so recommended by such next ensuing selection board or if the President shall again remove his name from the promotion list or if the Senate shall again reject his appointment, he shall be held for all purposes to have twice failed of selection for promotion.

Removal by President or rejection by Senate.

SEC. 410. Reserve officers in each grade shall take precedence among themselves and with officers of the same grades of the corresponding regular component in accordance with the dates of rank stated in their commissions. When Reserve and Regular officers of the same grade have the same date of rank they shall take precedence among themselves as determined by the Secretary.

Precedence.

SEC. 411. (a) A Reserve officer who is eliminated from an active status under this section—

Attrition.

(1) shall be afforded opportunity to request transfer to the Retired Reserve if qualified; and

(2) if qualified and he elects transfer to the Retired Reserve, shall be so transferred; or

(3) if not transferred to the Retired Reserve under (1) and (2) above, shall be transferred to the inactive status list or discharged in the discretion of the Secretary.

(b) Notwithstanding any other provision of this title, whenever the Secretary shall determine it to be necessary to provide a steady flow of promotion, an appropriate number of Reserve officers may be eliminated from an active status.

(c) A Reserve officer not above the grade of lieutenant in the Naval Reserve or captain in the Marine Corps Reserve after failing of selection for promotion to the next higher grade a second time may be retained in or eliminated from an active status in the discretion of the Secretary. Other Reserve officers who are not on a promotion list after failing of selection for promotion to the next higher grade a second time shall be given opportunity to apply for transfer to the Retired Reserve if qualified, but unless so transferred shall be discharged if they have completed the following periods of total commissioned service for the grades specified:

Grade	Total commissioned service
Captain-colonel	30 years
Commander-lieutenant colonel	26 years
Lieutenant commander-major	20 years

For the purposes of this subsection, the total commissioned service of an officer who shall have served continuously in the Naval Reserve or Marine Corps Reserve following appointment therein in the grade or rank of ensign or second lieutenant shall be computed from June 30 of the fiscal year in which he accepted appointment. Each other officer shall be deemed to have for these purposes as much total commissioned service as any officer of the line of the Regular Navy not restricted in performance of duty, or officer of the Regular Marine Corps, as appropriate, who has served continuously since original appointment as ensign in the Regular Navy or as second lieutenant in the Regular Marine Corps and has not lost numbers or precedence and who is or subsequent to September 6, 1947, shall have been junior to such other officer, except that the total commissioned service such other officer shall be deemed to have shall not be less than the actual number of years he has served in commissioned officer status above the grade of commissioned warrant officer.

(d) Except as otherwise provided in this Act, a woman Reserve officer may be retained in or eliminated from an active status in the discretion of the Secretary at the times prescribed by law for the retirement or separation from the active list of the woman line officer of the Regular Navy or the Regular Marine Corps next junior to her or at any time thereafter. For the purposes of this subsection only, all commissioned service shall be considered as active commissioned service.

(e) An officer of any grade of the Nurse Corps of the Naval Reserve may be eliminated from an active status under the conditions prescribed by law for the separation from the active list of an officer of the same grade in the Nurse Corps of the Regular Navy by reason of age or failure of selection for promotion.

(f) No Reserve officer shall be involuntarily eliminated from an active status pursuant to subsections (b), (d), and (e) of this section except upon the recommendation of a Board which shall be appointed by the Secretary and convened at such times as he may direct.

SEC. 412. (a) A Reserve officer not previously transferred to the Retired Reserve shall be so transferred on the date on which he becomes sixty-two years of age. However, a Reserve officer initially appointed prior to January 1, 1953, who cannot complete twenty years of satisfactory Federal service for retirement purposes by age sixty-two, but can complete such service by age sixty-four, may be retained in an active status not later than the date on which he becomes sixty-four years of age.

Retirement for age.

(b) Notwithstanding the provisions of subsection (a), the Secretary may authorize and designate a flag or general officer to be retained in an active status until he becomes sixty-four years of age. However, not more than such ten officers of the Naval Reserve and Marine Corps Reserve may be so retained in an active status at any one time, distributed between the Naval Reserve and Marine Corps Reserve as the Secretary may determine.

SEC. 413. (a) Notwithstanding any other provision of this Act, a Reserve officer above the grade of ensign or second lieutenant to whom this title applies may be promoted under regulations prescribed by the Secretary whenever any part or parts of the law governing the promotion of his running mate are suspended by the President. A Reserve officer of the grade of ensign or second lieutenant may be promoted under regulations prescribed by the Secretary whenever officers of the corresponding Regular component of the same grade are being promoted with less than three years' service. Such regulations shall provide for equality of opportunity for consideration for promotion among the officers of the Naval Reserve and among the officers of the Marine Corps Reserve, respectively.

Suspension of other laws.

(b) Reserve officers may be promoted under this section in such numbers as the Secretary may prescribe.

(c) Notwithstanding any other provision of law, if the promotion of the running mate of a Reserve officer is on a temporary basis, the promotion of the Reserve officer shall be on a temporary basis. If subsequently the running mate is reverted to a lower grade (for reasons other than disciplinary), the Reserve officer shall likewise revert to the same lower grade in the same manner as his running mate and take corresponding precedence. If the running mate is permanently appointed in the grade in which he is serving on a temporary basis, the Reserve officer likewise may be permanently appointed to the grade in which he is serving on a temporary basis.

Temporary promotions.

TITLE V—THE RESERVE COMPONENTS OF THE AIR FORCE

SEC. 501. (a) This title applies only to the Air Force.

(b) As used in this title—

(1) "Promotion service" means service in an active status in current grade.

(2) "Federal recognition board" means a board of officers appointed under section 75 of the National Defense Act, as amended.

(3) "Deferred officer" means—

(A) any Reserve officer in the grade of first lieutenant;

(B) any Reserve officer in the grade of captain, except those designated as nurses or women medical specialists; and

(C) any Reserve officer in the grade of major, except those designated as nurses or women medical specialists and female Reserve officers appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i);

who is considered for promotion by a selection board under this title for the first time and is not recommended for promotion, or who for

48 Stat. 158.
32 USC 113.

62 Stat. 374; 66
Stat. 506.

the first time is examined and found not qualified for Federal recognition in the next higher grade.

(4) "Secretary" means the Secretary of the Air Force.

(5) "Total years of service" means all periods of time that a Reserve officer—

(A) has held an appointment as a commissioned officer in any of the Armed Forces of the United States, without component or in any component thereof;

(B) has held an appointment as a commissioned officer in the federally recognized National Guard before June 15, 1933, or held a federally recognized commissioned status therein; and

(C) has been credited with under section 201 of this Act.

No period of time may be credited more than once in the computation of total years of service.

Promotion and
promotion service.

SEC. 502. (a) A Reserve officer may be promoted only as provided in this title.

(b) To be in an active status, a Reserve officer, other than an adjutant general or an assistant adjutant general of a State, a Territory, or the District of Columbia, must attain, in the course of any period of twelve consecutive months applicable to him, the minimum number of points prescribed by the Secretary pursuant to section 202 of this Act. However, the minimum number of points shall be prescribed before the beginning of the period for which applicable.

(c) (1) For a Reserve officer who, on July 1, 1949, was a member of a reserve component of the Air Force and has not been removed from an active status since that date, computation of points shall be made for periods of twelve consecutive months beginning on July 1 of each year and ending on June 30 of the next year until he is removed from an active status.

(2) For a Reserve officer who is initially appointed as a Reserve officer of the Air Force, or who is returned to an active status, after July 1, 1949, computation of points shall be made for periods of twelve consecutive months beginning on the date of his appointment or his most recent return to an active status and on each anniversary of such appointment or most recent return to an active status thereafter.

Authorized num-
ber of officers.

SEC. 503. (a) The authorized number of Reserve officers of the Air Force in active status is two hundred thousand. This authorized strength may be exceeded to meet mobilization requirements, or to permit increases required by or resulting from the operation of any other law or this Act. The authorized number of Reserve officers of the Air Force in an active status in each of the several grades, as prescribed by the Secretary, may not be more than the following percentages of the total authorized commissioned officer strength: 1.8 per centum in the grade of colonel; 4.6 per centum in the grade of lieutenant colonel; 14 per centum in the grade of major; 32 per centum in the grade of captain, and the remainder in the grades of first lieutenant and second lieutenant, except for the number authorized in general officer grades. The authorized number of Reserve officers of the Air Force in an active status in general officer grades, exclusive of Reserve officers serving in general officer grades (1) as adjutants general or assistant adjutants general of a State, a Territory, or the District of Columbia, or (2) in the National Guard Bureau, is one hundred and fifty-seven. The numbers authorized for any grade may be exceeded by the number of vacancies existing in any higher grade. It is not mandatory that the numbers authorized for the several grades be maintained.

(b) The authorized number of Reserve officers in any grade below colonel may be temporarily increased to give effect to the promotion system prescribed in this title.

(c) An officer retained in an active status under section 205 of this Act is an additional number to officers otherwise authorized by law.

SEC. 504. (a) For promotion purposes, seniority among Reserve officers is determined as follows:

Seniority for promotion purposes.

(1) Officers in any grade shall be senior to all officers in any lower grade;

(2) Among officers of the same grade—

(A) the officer with the longest period of promotion service in grade is the senior;

(B) when seniority determined under clause (2) (A) is the same, the officer with the longest service as a commissioned officer (including service in the federally recognized National Guard or in a federally recognized status therein prior to 1933) is the senior; and

(C) in all other cases the Secretary shall establish seniority.

(b) A Reserve officer who is returned to an active status shall, for the purpose of promotion, if necessary, suffer loss of precedence, and a reduction in his years of promotion service in grade, so that one year after the date on which he is returned to an active status, the years of promotion service with which he is entitled to be credited for promotion purposes shall not be more than four, seven, or seven years of promotion service in grade if he is in the grade of first lieutenant, captain, or major, respectively.

SEC. 505. (a) A person credited with service under section 201 of this Act shall be appointed as a Reserve officer in the grade indicated as follows:

Constructive credit.
Appointments.

(1) A person with less than three years—second lieutenant.

(2) A person with at least three, but less than seven years—first lieutenant.

(3) A person with at least seven, but less than fourteen years—captain.

(4) A person with at least fourteen, but less than twenty-one years—major.

(5) A person with at least twenty-one years—lieutenant colonel, except that a person with at least twenty-three years may, under regulations prescribed by the Secretary, be appointed in the grade of colonel.

(b) In determining seniority in grade and eligibility for promotion, a person appointed as a Reserve officer in a grade below colonel under this section shall be credited with the number of years of promotion service in the grade in which appointed equal to the difference between the number of years of service credited under section 201 of this Act and the minimum number of years of service required under subsection (a) of this section for the grade in which he was appointed.

SEC. 506. (a) A Reserve officer in the grade of second lieutenant may not be promoted to, or federally recognized in, the next higher grade until he has completed three years of promotion service in the grade of second lieutenant.

Minimum service in grade.

(b) A Reserve officer in a grade above second lieutenant, other than an adjutant general or assistant adjutant general of a State, a Territory, or the District of Columbia who holds his grade as a Reserve officer solely because of his position as an adjutant general or an assistant adjutant general, may not be considered by a selection board for promotion, or examined by a Federal recognition board for Federal

recognition in the next higher grade, until he has completed the following minimum number of years of promotion service in grade:

Grade	Minimum number of years of promotion service in that grade
First lieutenant.....	2
Captain	4
Major	4
Lieutenant colonel.....	3
Colonel	1
Brigadier general.....	1

Time limit for
consideration.

SEC. 507. A Reserve officer may not be considered by a selection board for promotion under this title more than two years, if in a grade below colonel, or more than one year, if in a grade above lieutenant colonel, before the date on which it is contemplated that he will be promoted if recommended by the selection board.

Selection.

SEC. 508. (a) Selection boards to consider officers for promotion shall be convened from time to time in such number, and under such regulations, as the Secretary may prescribe,

(b) Except when it is considering officers under section 513 of this title and except for officers covered by section 522 of this title who may not be considered at that time, whenever a Reserve officer is being considered by a selection board for promotion, the board shall consider all Reserve officers in that officer's grade who are senior to him and whose names are not carried on a recommended list.

(c) The name of each Reserve officer who is recommended for promotion by a selection board shall be placed on a recommended list for promotion, and carried thereon until the officer is promoted to the grade for which recommended or until his name is removed therefrom under another provision of this Act. The names of Reserve officers recommended by such a selection board shall be placed on the appropriate recommended list below the names of Reserve officers recommended by any prior selection board but in the same order as existed among themselves at the time of their consideration by the selection board. Except as provided in sections 513, 519, and 521 (1) of this title, no Reserve officer whose name is on a recommended list may be promoted ahead of any other officer whose name precedes his on the same recommended list.

Promotion to
first lieutenant.

SEC. 509. (a) Except as provided in subsection (b) of this section, each officer of the Air Force Reserve in an active status in the grade of second lieutenant who is found to be qualified for promotion shall be promoted to the grade of first lieutenant effective on that date upon which he completes three years of promotion service in grade.

(b) A Reserve officer in the grade of second lieutenant who completes three years of promotion service in grade and who is found not qualified for promotion, shall, notwithstanding any other provision of law except section 204 or 205 of this Act, be discharged.

Captain, major,
and lieutenant
colonel.
Consideration.

SEC. 510. (a) Irrespective of the existence of a vacancy in the next higher grade, each Reserve officer in the grade of first lieutenant, captain, or major shall be considered for promotion sufficiently in advance of the date on which he completes four, seven, or seven years of promotion service in grade, respectively, and seven, fourteen, or twenty-one total years of service, respectively, so that, if recommended for promotion by the selection board, he may be promoted effective on the date upon which he completes that service.

(b) Based upon the number of existing and anticipated vacancies in the Air Force Reserve in the grade of captain, major, or lieutenant colonel, the Secretary may direct a selection board to consider and

recommend Reserve officers for promotion to those grades. The names of the officers to be considered shall include—

(1) the name of the senior officer in the grade of first lieutenant, captain, or major, as the case may be, and whose name is not on a recommended list; and

(2) the name of such additional officers in those grades, in order of seniority, as the Secretary may prescribe.

(c) This section does not apply to the promotion of female Reserve officers designated as nurses or women medical specialists to a grade above captain, or to the promotion of any female Reserve officer appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i), to a grade above major.

SEC. 511. (a) A Reserve officer whose name is on a recommended list may be promoted to fill a vacancy at any time, but shall be promoted, irrespective of the existence of a vacancy, on the date upon which he completes four years of promotion service in grade and seven total years of service, if he is in the grade of first lieutenant; seven years of promotion service in grade and fourteen total years of service, if he is in the grade of captain; or seven years of promotion service in grade and twenty-one total years of service, if he is in the grade of major.

(b) A Reserve officer on active duty who is recommended for promotion to a grade higher than that in which he is serving, shall, before being promoted, elect to serve on active duty in the grade in which he is then serving or be released.

SEC. 512. (a) When a Reserve officer in the grade of first lieutenant, captain, or major must be considered by a selection board for promotion because he will complete the prescribed number of years of promotion service in grade and total years of service, the Secretary may furnish to the selection board the names of such officers to be considered for promotion to the grade concerned and direct the board to recommend those whom it considers fully qualified for promotion.

(b) Whenever Reserve officers are to be considered by a selection board for promotion to fill existing or anticipated vacancies, the Secretary may direct the board to—

(1) consider the officers whose names are referred to it in the order of their seniority;

(2) recommend those considered who are fully qualified for promotion;

(3) pass over those who are not fully qualified for promotion; and

(4) continue such procedure until the number of officers specified by him to be recommended is obtained.

(c) In lieu of the procedure prescribed in subsection (a) or (b), the Secretary may furnish to a selection board the names of Reserve officers to be considered by it and direct the board to recommend for promotion a specific number of officers whom the board considers to be the best qualified of those named for consideration. When officers are considered for promotion to the grade of captain, major, or lieutenant colonel, under this subsection, the selection board shall recommend for promotion at least 80 percent of the officers named for consideration.

(d) This section does not apply to the promotion of female Reserve officers designated as nurses or women medical specialists to a grade above captain, or to the promotion of any female Reserve officer appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i), to a grade above major.

62 Stat. 374; 66
Stat. 506.
Promotion.

Method of selection.

Vacancies.
Special qualifi-
cations.

SEC. 513. (a) Whenever there are vacancies in the Air Force Reserve in grade of captain, major, lieutenant colonel, or colonel, and the Secretary considers that there are or will be an inadequate number of officers in any of those grades with special qualifications, he may direct a selection board to recommend for promotion to that grade a prescribed number of officers of the Air Force Reserve with those qualifications. In selecting officers for promotion under this subsection to a grade below colonel, the procedures prescribed in subsection 512 (b), or in the first sentence of subsection 512 (c), of this title shall be followed. In selecting officers for promotion under this subsection to the grade of colonel, the procedures prescribed in the first sentence of subsection 512 (c) of this title shall be followed.

(b) Whenever in the opinion of the Secretary the number of officers in the grade of captain, major, lieutenant colonel, or colonel in—

(1) any unit of the Air Force Reserve organized to serve as a unit and which is not on active duty; or

(2) the Air Force Reserve in positions which are to be filled by officers with mobilization assignments or designations; is, or may become, unbalanced and vacancies exist in any of those grades, he may direct that, of the officers to be considered and selected for those grades by a selection board, specified numbers be selected from among officers of the Air Force Reserve who are not on active duty and who are specially qualified for, and geographically available to fill, such vacancies. In selecting officers for promotion under this subsection, the procedure prescribed in the first sentence of subsection 512 (c) of this title shall be followed.

(c) An officer recommended for promotion under this section may be promoted only to fill a vacancy for which recommended.

(d) Officers whose names are on a recommended list and who meet the requirements of subsection (b) of this section may be promoted as prescribed in this section, in the order in which their names appear on that recommended list.

(e) If an officer enters upon active duty before being promoted to fill a vacancy for which he was recommended under subsection (b) of this section, his name shall be removed from the recommended list and he shall be treated as if he had not been considered for promotion under this section.

(f) An officer considered for promotion under this section, but not recommended by a selection board, is not a deferred officer.

Temporary grade
higher than perma-
nent.

SEC. 514. (a) A Reserve officer serving on active duty in a temporary grade higher than his permanent grade and who was promoted to that temporary grade under a general selection board procedure shall, upon application, be promoted to the next higher permanent grade upon completing the promotion service prescribed by section 506 (b) of this title without further selection board action. If he is an officer of the Air National Guard of the United States and applies for permanent promotion under this section, the Governor or other appropriate authority of the State, Territory, or the District of Columbia, whichever is concerned, may promote the officer to fill a vacancy specially created, if necessary, in the State or Territory, or in the District of Columbia, whichever is concerned. If the officer is promoted he shall be extended Federal recognition in the higher grade, without the examination prescribed in section 75 of the National Defense Act, as amended, effective on the date of that promotion. If he is not promoted in the Air National Guard of the State, Territory, or the District of Columbia, whichever is concerned, within ninety days after his application therefor, Federal recognition in his permanent grade shall be terminated and he shall be transferred to the Air Force Reserve and promoted.

(b) A Reserve officer serving on active duty in a temporary grade higher than his permanent grade, who was promoted to that temporary grade under any procedure, and who is released from active duty before completing the promotion service in grade prescribed in section 506 (b) of this title, shall retain that temporary grade. After completing that prescribed promotion service in grade, an officer of the Air Force Reserve shall, upon application, be promoted to the next higher permanent grade without regard to vacancies in that grade.

(c) An officer of the Air National Guard of the United States who is appointed to a temporary grade under subsection (b) shall, if promoted to the same grade in the Air National Guard of the State, Territory, or the District of Columbia, whichever is concerned, be extended Federal recognition in that grade, without the examination prescribed by section 75 of the National Defense Act, as amended, and if necessary be carried as an additional number therein until a vacancy occurs, but not to exceed two years. If such a vacancy does not occur within two years, his Federal recognition shall be terminated, and he shall be transferred to the Air Force Reserve.

48 Stat. 158.
32 USC 113.

(d) This section applies only to officers who have performed active duty in a higher temporary grade since June 26, 1950.

SEC. 515. (a) A female Reserve officer appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i) may not be promoted to a grade above lieutenant colonel.

Female officers.
62 Stat. 374; 66
Stat. 506.

(b) A female Reserve officer designated as a nurse or woman medical specialist in the grade of captain or higher may be promoted only to fill an authorized vacancy in her category.

(c) A female Reserve officer who is in the grade of major, and who was appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i), may be promoted only to fill an authorized vacancy in her category.

(d) The Secretary shall furnish to selection boards the names of female Reserve officers to be considered under this section for promotion to grades above captain, and shall direct the board to recommend a number prescribed by him for promotion to the appropriate grade. The board shall recommend the prescribed number of those officers whom it considers to be the best qualified of those named for consideration.

SEC. 516. Based upon the number of actual and anticipated vacancies in the Air Force Reserve in the grade of colonel, the Secretary shall furnish to a selection board the names of officers of the Air Force Reserve to be considered for promotion and shall direct the board to recommend a number prescribed by him for promotion to that grade. Each list furnished shall include—

Colonel.

(1) the name of the senior officer in the grade of lieutenant colonel whose name is not on a recommended list for promotion; and

(2) the names of such additional officers as the Secretary may prescribe, in order of their seniority.

The board shall recommend the prescribed number of those officers which it considers to be the best qualified of those named for consideration. A Reserve officer recommended for promotion under this section may be promoted only to fill a vacancy.

SEC. 517. (a) Based upon the number of actual and anticipated vacancies in the grades of major general or brigadier general, as the case may be, in the Air Force Reserve the Secretary shall furnish to a selection board names of officers of the Air Force Reserve in the grade of brigadier general or colonel, respectively, to be considered for promotion under this title and shall direct the board to recom-

Brigadier general
and major general.

mend a number prescribed by him for promotion to the grade concerned. Each list furnished shall include—

(1) the name of the senior officer in the grade of brigadier general or colonel whose name is not on a recommended list for promotion; and

(2) the names of such additional officers as the Secretary may prescribe, in the order of their seniority.

To insure that the Air Force Reserve will have an adequate number of general officers with experience qualifying them for active service, the Secretary may direct that a specified number of the officers to be recommended for promotion to that grade have experience qualifying them for active service in specified positions, specialties or categories. The selection board shall recommend for promotion to the grade concerned the prescribed number, including any prescribed number with special qualifying experience. The officers recommended shall be those who in the opinion of the board are the best qualified of the officers named for consideration.

(b) An officer recommended for promotion under this section may be promoted only to fill a vacancy in the next higher grade.

(c) When a Reserve officer who is appointed to the grade of major general or brigadier general to fill a vacancy under this section, or any other provision of law, ceases to occupy that position, he shall, within thirty days thereafter, unless assigned to fill a comparable position of the same or higher grade, as may be determined by the Secretary—

(1) be transferred in grade to the inactive status list if qualified, or if qualified and if he applies therefor, to the Retired Reserve;

(2) be discharged and, if qualified and upon his application, be appointed a Reserve officer in the grade held by him as a Reserve officer before his appointment in a general officer grade, and be credited with the amount of promotion service in the grade in which appointed equal to the amount of promotion service with which he has been credited in that grade and in any higher grade; or

(3) be discharged, if not transferred under clause (1) of this subsection, or appointed under clause (2) of this subsection.

Removal by President or rejection by Senate.

SEC. 518. (a) A Reserve officer who is recommended for promotion under this title and is not promoted because the President declines to appoint him in the next higher grade, or because the Senate refuses to consent to his appointment after he has been nominated by the President for appointment in a general officer grade—

(1) shall continue to be eligible for consideration for promotion as if he had not been considered for that grade by the selection board which recommended him;

(2) shall be again considered for promotion by the next appropriate selection board;

(3) shall, if recommended for promotion by such selection board, have his name placed on the appropriate recommended list; and

(4) shall, if promoted, be credited with the same amount of promotion service in the higher grade as he would have had if promoted as the result of the earlier selection.

(b) A Reserve officer in the grade of first lieutenant, captain, or major, who is not promoted because the President declines to appoint him in the next higher grade, and who is not promoted thereafter because—

(1) he is considered by a selection board but is not recommended for promotion; or

(2) the President again declines to appoint him in the next higher grade;

shall, subject to sections 204 and 205 of this Act, if qualified and he applies therefor, be transferred to the Retired Reserve or discharged.

SEC. 519. (a) Notwithstanding any other provision of this Act, the appointment and promotion of officers in the Air National Guard of a State, a Territory, or the District of Columbia is a function of the Governor or other appropriate authority thereof.

Air National
Guard.

(b) Except as provided by this section and sections 520 and 521 of this title, each person appointed in or promoted to a commissioned grade in the Air National Guard of a State, a Territory, or the District of Columbia to fill an authorized vacancy shall be examined for Federal recognition in that grade by a Federal recognition board. An officer of the Air Force Reserve who is appointed in the Air National Guard of a State, a Territory, or the District of Columbia in a commissioned grade to fill an authorized vacancy shall, effective on the date of his appointment in the Air National Guard of that State or Territory, or of the District of Columbia, be extended Federal recognition, without the examination prescribed in section 75 of the National Defense Act, as amended, if at the time of his appointment he holds the same grade as a Reserve officer or his name is on a recommended list for promotion to that grade. No member of the Air Force Reserve may be federally recognized in the Air National Guard in a grade which is higher or lower than his permanent grade or grade for which he has been recommended for promotion by a selection board under this title.

48 Stat. 158.
32 USC 113.

(c) A Reserve officer shall be promoted effective on the date upon which he is extended Federal recognition in the next higher grade in the Air National Guard of a State, a Territory, or the District of Columbia.

(d) An adjutant general or assistant adjutant general of a State, a Territory, or the District of Columbia, may be appointed a Reserve officer in any grade if he is extended Federal recognition in that grade in the Air National Guard of a State, a Territory, or the District of Columbia.

SEC. 520. (a) An officer of the Air National Guard of the United States in the grade of second lieutenant who is appointed in or promoted to the grade of first lieutenant by the Governor or other appropriate authority to fill an authorized vacancy in the Air National Guard of a State, a Territory, or the District of Columbia, shall be extended Federal recognition, without the examination prescribed in section 75 of the National Defense Act, as amended, in the grade of first lieutenant and promoted effective on the date upon which he completes three years of promotion service in grade.

First lieutenant.

(b) Subject to section 204 of this Act, and notwithstanding any other law, an officer of the Air National Guard of the United States in the grade of second lieutenant who is not appointed in or promoted to the grade of first lieutenant by the Governor or other appropriate authority of a State, a Territory, or the District of Columbia, shall, within ninety days after he completes three years of promotion service in the grade of second lieutenant, be discharged.

SEC. 521. Each officer of the Air National Guard of the United States recommended for promotion to the grade of captain, major, or lieutenant colonel, by a selection board under this title, who—

Captain, major,
and lieutenant
colonel.

(1) is, before the date on which he would be promoted under section 511 of this title, appointed in, or promoted to, the next higher grade to fill an authorized vacancy in the Air National Guard of a State, a Territory or the District of Columbia, shall be extended Federal recognition, without the examination pre-

48 Stat. 158.
32 USC 113.

scribed in section 75 of the National Defense Act, as amended, in the higher grade and promoted effective on the date upon which he is appointed in or promoted to the higher grade in the Air National Guard of the State, the Territory, or the District of Columbia; or

(2) is not sooner appointed in or promoted to the next higher grade in the Air National Guard of a State, a Territory, or the District of Columbia, shall, effective on the date he must be promoted under section 511 of this title, have his Federal recognition terminated, be transferred to the Air Force Reserve, and be promoted.

Failure of selection.

SEC. 522. (a) (1) A deferred officer—

(A) shall lose precedence for promotion purposes to officers who were recommended by the selection board that considered but failed to recommend him; and

(B) shall, if necessary, have his years or promotion service in grade and his total years of service reduced so that one year after the date on which he would have been appointed in the next higher grade as a Reserve officer, had he been recommended by or considered and recommended by the selection board, he will not be credited with more than four, seven, or seven years of promotion service in grade if he is in the grade of first lieutenant, captain, or major, respectively.

(2) For the purpose of clause (1) (B) of this subsection, the date on which a deferred officer would have been appointed in the next higher grade is the earlier of the following dates:

(A) The earliest date of appointment in the next higher grade of any officer who, before the loss of seniority by the deferred officer, was junior to him.

(B) The date on which the deferred officer, had he not suffered a reduction in years of promotion service in grade would have completed four, seven, or seven years of promotion list service and seven, fourteen, or twenty-one total years of service, if in the grade of first lieutenant, captain, or major, respectively.

(b) An officer who is deferred because he was not recommended for promotion by a selection board shall, unless sooner recommended for promotion under section 513 of this title or examined for Federal recognition in the next higher grade, again be considered for promotion by the next appropriate selection board convened to consider Reserve officers of his grade and category under section 510 of this title.

(c) An officer who is deferred because he was found not qualified for Federal recognition shall, unless sooner recommended for promotion under section 513 of this title, or again examined for Federal recognition in the next higher grade, be considered for promotion by the next appropriate selection board convened under section 510 of this title, when the officer next junior to him is also considered, but not earlier than one year after the date on which he was found not qualified for Federal recognition.

(d) (1) An officer who is deferred because he was not recommended for promotion by a selection board may, if appointed in, or promoted to, the next higher grade in the Air National Guard of a State, a Territory, or the District of Columbia, whichever is concerned, be examined for Federal recognition in the higher grade at any time before the date on which he must be considered for promotion by a selection board under subsection (b) of this section.

(2) An officer who is deferred because he was found not qualified for Federal recognition in the next higher grade may be again examined for Federal recognition in the higher grade at any time before the date on which he must be considered for promotion under

subsection (c) of this section, but not earlier than one year after the date on which he was previously found not qualified for Federal recognition in the higher grade.

(e) (1) A deferred officer who is considered for promotion by a selection board as provided by subsection (b) of this section, and who is not recommended for promotion by that selection board, may not thereafter be considered for promotion or examined for Federal recognition, and, except as prescribed by sections 204 and 205 of this Act, shall have his Federal recognition terminated if appropriate, and shall, if qualified and if he makes application therefor, be transferred to the Retired Reserve, or if not qualified or if he does not apply, be discharged, one year and ninety days after the date on which he would have been promoted if he had been recommended for promotion by the first selection board which considered him.

(2) A deferred officer who is considered for promotion by a selection board or examined for Federal recognition in the next higher grade, as provided by subsection (c) or (d) of this section and who is not recommended for promotion by the selection board or who is found not qualified for Federal recognition, may not thereafter be considered for promotion or examined for Federal recognition, and, except as prescribed by sections 204 and 205 of this Act, shall—

(A) have his Federal recognition terminated, if appropriate; and

(B) if qualified, be transferred upon his application to the Retired Reserve, or if not so qualified or he does not apply, be discharged, within ninety days after the date upon which the report of the selection board or Federal recognition board is approved by the Secretary.

SEC. 523. (a) Each Reserve officer in a grade below major general who is not retired, transferred to the Retired Reserve, or discharged at an earlier date shall, upon his application, be transferred to the Retired Reserve if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, be discharged, on the date upon which he becomes sixty years of age.

Maximum ages.

(b) A Reserve officer in the grade of major general who is not retired, transferred to the Retired Reserve, or discharged at an earlier date shall, upon his application, be transferred to the Retired Reserve if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, be discharged on the date upon which he becomes sixty-two years of age.

(c) Notwithstanding subsections (a) and (b) of this section, an officer while holding an appointment as Chief of the National Guard Bureau may not, without his consent, be transferred to the Retired Reserve or be discharged under this section before the date upon which he becomes sixty-four years of age. Such an officer shall, upon his application, be transferred to the Retired Reserve if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, be discharged, on the date upon which he becomes sixty-four years of age, unless he is retired, transferred to the Retired Reserve, or discharged, at an earlier date under another provision of law.

(d) Each female Reserve officer designated as a nurse or woman medical specialist shall, upon her application, be transferred to the Retired Reserve if qualified, or if she is not qualified or does not apply for transfer to the Retired Reserve, be discharged, if in a grade above captain, thirty days after the date upon which she becomes fifty-five years of age, and, if in a grade below major, thirty days after the date upon which she becomes fifty years of age. For the purpose of this subsection, such an officer in the grade of captain

whose name is on a recommended list shall be treated as if she were in a grade above captain.

Elimination for
length of service.

SEC. 524. (a) Effective two years after the effective date of this Act, each Reserve officer in an active status in the grade of major general, brigadier general, or colonel, who is not removed from an active status at an earlier date and whose name is not on a recommended list for promotion shall, upon his application, be transferred to the Retired Reserve, if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, be discharged, thirty days after the date upon which he completes thirty-five, thirty, or thirty total years of service, respectively, or on the fifth anniversary of the date of his appointment in the grade in which serving, whichever is later. However, a Reserve officer in the grade of major general or brigadier general who would otherwise be removed from an active status under this subsection, may, in the discretion of the Secretary, be retained in an active status but not later than the date upon which he becomes sixty-two years of age if in the grade of major general, or sixty years of age if in the grade of brigadier general. Not more than ten officers in each such grade may be retained under this subsection at any one time.

(b) Each Reserve officer in an active status in the grade of first lieutenant, captain, major, and each lieutenant colonel whose name is not on a recommended list for promotion to the grade of colonel, and who is not removed from an active status at an earlier date shall, upon his application, be transferred to the Retired Reserve if qualified, or, if he is not qualified or does not apply for transfer to the Retired Reserve, be discharged, thirty days after the date upon which he completes twenty-eight total years of service. A Reserve officer in grade of lieutenant colonel whose name is on a recommended list for promotion to the grade of colonel may not be transferred to the Retired Reserve or discharged under this subsection.

(c) Each Reserve officer whose name is on a recommended list for promotion to grade of major general, brigadier general, or colonel, shall, unless removed from an active status at an earlier date, upon his application, be transferred to the Retired Reserve if qualified, or if he is not qualified or does not apply for transfer to the Retired Reserve, shall be discharged, under the procedure prescribed in subsection (a) of this section.

62 Stat. 374; 66
Stat. 506.

(d) (1) Each female Reserve officer who is in the grade of lieutenant colonel, who was appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i), and who is not removed from an active status at an earlier date shall, upon her application, be transferred to the Retired Reserve if qualified, or if she is not qualified or does not apply for transfer to the Retired Reserve, shall be discharged, thirty days after the date upon which she completes twenty-eight total years of service. However, such an officer may, in the discretion of the Secretary, be retained in an active status but not later than thirty days after the date upon which she completes thirty total years of service.

(2) Each female Reserve officer who is in a grade below lieutenant colonel, who was appointed under section 310 of the Women's Armed Services Integration Act of 1948 (5 U. S. C. 627i), and who is not removed from an active status at an earlier date shall, upon her application, be transferred to the Retired Reserve if qualified, or if she is not qualified or does not apply for transfer to the Retired Reserve, shall be discharged, thirty days after the date upon which she completes twenty-five total years of service. However, such an officer in the grade of major whose name is on a recommended list for promotion may not be transferred to the Retired Reserve or discharged

under this clause but shall be transferred to the Retired Reserve or discharged under the procedure prescribed in clause (1) of this subsection.

SEC. 525. (a) Whenever the Secretary considers that there is an excessive number of Reserve officers in an active status, in any grade, who have at least thirty total years of service or at least twenty years of satisfactory Federal service under title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, he may convene a board which shall consider all Reserve officers of that grade in an active status who have that service. The Secretary shall direct the board to select and recommend by name a specified number of such officers for removal from an active status.

Elimination of
excess officers.

62 Stat. 1087.
10 USC 1036 et
seq.

(b) The Secretary may, in the case of an officer recommended for removal from an active status under subsection (a) of this section—

(1) transfer the officer to the Retired Reserve, if he is qualified and applies for transfer;

(2) transfer the officer to the inactive status list, if qualified;

or

(3) discharge the officer.

SEC. 526. Within thirty days after a Reserve officer who is federally recognized in the Air National Guard of a State or Territory or the District of Columbia solely by reason of his appointment as adjutant general or assistant adjutant general, ceases to occupy that position—

Adjutants gen-
eral or assistant
adjutants general.
Elimination or
transfer.

(1) his Federal recognition shall be terminated; and

(2) he shall—

(A) be transferred in grade to the Retired Reserve, if he is qualified and applies therefor;

(B) be discharged, and if qualified and he applies, appointed a Reserve officer in the grade held by him as a Reserve officer in the Air Force immediately before his appointment as adjutant general or assistant adjutant general, and be credited with the amount of promotion service in the grade in which appointed equal to the amount of promotion service with which he has been credited in that grade and in any higher grade; or

(C) be discharged, if not transferred under clause (2)

(A) of this section, or appointed under clause (2) (B) of this subsection.

TITLE VI—THE COAST GUARD RESERVE

SEC. 601. As used in this title—

(a) "Secretary" means the Secretary of the respective department in which the Coast Guard is operating.

(b) "Reserve" means the Coast Guard Reserve.

(c) "Reserve officer" means an officer in the Coast Guard Reserve except those officers specifically excluded by subsection 602 (b) of this title.

SEC. 602. (a) This title is applicable only to the Coast Guard Reserve.

Applicability of
title.

(b) This Act is not applicable to those officers of the Reserve whose names appear in the Register of the Commissioned and Warrant Officers and Cadets of the United States Coast Guard. Such officers shall be considered for promotion under the regulations governing promotion of officers of the Regular Coast Guard as though such officers were officers of the Regular Coast Guard.

(c) This title shall apply equally to women members of the Reserve except where the context indicates otherwise.

(d) Temporary members of the Coast Guard Reserve are excluded from the provisions of this Act.

Authorized number of officers.

SEC. 603. (a) The authorized number of officers in the Coast Guard Reserve in active status shall be six thousand. The actual number of Reserve officers in active status at any time shall not exceed these authorized numbers unless the Secretary shall determine that a greater number is necessary for planned mobilization requirements, or unless such excess shall result directly from the operation of mandatory provisions of this or other laws.

(b) The authorized number of officers of the Coast Guard Reserve in active status in each of the grades below the grade of rear admiral shall be a percentage of the total number of such officers in active status below the grade of rear admiral, and shall be 0.6 per centum in the grade of captain, 3.5 per centum in the grade of commander, 25 per centum in the grade of lieutenant commander, 37 per centum in the grade of lieutenant, and 33.9 per centum in the combined grades of lieutenant (junior grade) and ensign, except that when the actual number of Coast Guard Reserve officers in active status in any grade is less than the number which is so authorized, the difference may be applied to increase the authorized number in any lower grade or grades. No Reserve officer shall be reduced in rank or grade solely because of a reduction in an authorized number provided in this subsection. The authorized number of Coast Guard Reserve officers in active status in the grade of rear admiral shall be two.

(c) The Secretary may determine the number of Reserve officers in each grade who may be promoted annually under the provisions of this title. The number which shall be so determined for each grade shall be the number deemed to be necessary to provide equitable opportunity for promotion among succeeding groups of Reserve officers and an adequate continuing strength of Reserve officers in an active status, and shall not cause the number of Reserve officers in active status in any grade to exceed the number authorized in this section for that grade.

Promotion.

SEC. 604. (a) Except as otherwise provided by law, all promotions of Reserve officers shall be effected pursuant only to the recommendation of a selection board.

(b) Selection boards shall be convened from time to time so that Reserve officers in the promotion zone for a particular grade will receive consideration for promotion concurrently with, or as soon as practicable after, their running mates. Separate boards may be convened to consider officers in one or more grades; or one board may be convened to consider officers in all grades, whichever is most practicable, provided that all members of such boards shall be senior to all officers to be considered by the board.

(c) Each selection board, from among those officers whose names are submitted to it as determined by section 607 of this title, and without regard to existing precedence or seniority, shall recommend for promotion those officers whom it considers to be qualified to assume the duties of the next higher grade. Such officers shall receive consideration in the order of their relative seniority and when the number of officers found to be qualified equals the number of vacancies to be filled, the board need not consider any officers junior to the last officer found to be qualified and recommended for promotion.

(d) Any such junior officers not considered pursuant to subsection (c) of this section shall not be considered to have failed of selection, and the names of such officers shall be again submitted to the next ensuing selection board.

(e) The law and regulations now or hereafter existing relating to the selection for promotion of commissioned officers of the Coast

Guard to the grade of rear admiral shall apply to officers of the Reserve except that no officer in the grade of captain shall be eligible for consideration who has not completed a minimum of twenty years of total commissioned Coast Guard or Coast Guard Reserve service. Until January 1, 1963, for purposes of this subsection, in addition to actual commissioned service, a Reserve officer initially appointed in a grade above that of ensign shall be allowed a period of constructive service equal to that of the regular officer next senior to him in precedence who has served continuously on active duty and who has not lost numbers or precedence, computed from the date of such regular officer's first appointment as ensign up to the date of original appointment of such Reserve officer.

(f) The report of each promotion board shall be submitted to the Commandant for review and transmission to the President for approval. In case any officer or officers recommended by a board for promotion are not acceptable to the President, the final action by the President will disapprove their selection for promotion.

(g) The recommendations of promotion boards, as approved by the President, will constitute promotion lists from which promotion of officers of the Reserve will be made, subject to establishment of physical qualification and verification that service subsequent to the convening of the promotion board has remained of satisfactory character. Officers on a promotion list will remain thereon until promoted unless removed by the President for due cause. If an existing promotion list has not been exhausted by the time a later list has been approved, all remaining officers on the older list shall be tendered appointments before use of the later list is commenced.

(h) The procedure of selection boards and the procedures for effecting the promotion of those officers selected shall be as determined by the Secretary.

SEC. 605. Officers of the Reserve shall have rank and take precedence in their respective grades among themselves and with officers of the same grades of the Regular Coast Guard respectively in accordance with the dates of rank as stated in their commissions. When Reserve and Regular officers have the same date of rank in a grade, such officers shall take precedence as determined by the Secretary.

Precedence.

SEC. 606. (a) Each officer of the Reserve in an active status shall have a running mate who shall be the officer of the Regular Coast Guard of the same grade, exclusive of extra numbers, who is next senior to him in precedence as determined in the manner prescribed in section 605 of this title.

Running mates.

(b) When necessary, new running mates shall be determined at the times and in the manner set forth below:

(1) If a running mate is retired, dies, or otherwise is separated from the service, suffers loss of numbers, or fails to qualify for promotion, the new running mate shall be the officer of the Regular Coast Guard of the same grade who was next senior to the old running mate, exclusive of extra numbers, or if there be no such Regular officer then the most senior Regular officer in the grade.

(2) If an officer of the Reserve suffers loss of numbers, the new running mate shall be the officer of the Regular Coast Guard, exclusive of extra numbers, who is the running mate of the Reserve officer next senior to the officer concerned after the loss of numbers has been effected.

(3) If an officer of the Reserve fails of selection or fails to qualify for promotion and his running mate is promoted, the new running mate shall be the senior officer of the Regular Coast Guard remaining in that grade, exclusive of extra numbers, whose name is not on a promotion list.

Promotion zone.

SEC. 607. Subject to the provisions of section 202 of title II of this Act—

(a) an officer of the Reserve shall be deemed to be in the promotion zone when his running mate is in the promotion zone and shall then become eligible for consideration by a selection board for promotion to the next higher grade at approximately the same time as his running mate is considered for promotion; and

(b) an officer whose name is on a promotion list, shall, unless his promotion is withheld pursuant to applicable laws or regulations, be tendered an appointment in the next higher grade at the same time, or as soon thereafter as practicable, as a similar appointment is tendered to his running mate.

Date of rank upon promotion.

SEC. 608. When an officer of the Reserve is promoted to the next higher grade under the provisions of this Act either for temporary service or for service in permanent grade, he shall be assigned the same date of rank as that assigned to his running mate for either and/or both types of service and shall be allowed the pay and allowances of the higher grade for duty performed from the date his running mate became entitled to such pay and allowances.

Minimum points.

SEC. 609. No officer of the Reserve shall receive consideration for promotion or be promoted under any provision of law unless he has attained the minimum number of points prescribed by the Secretary. Such number of points shall not exceed fifty points per anniversary year.

Qualifications.

SEC. 610. (a) No officer of the Coast Guard Reserve shall be promoted to a higher grade until he has been found to be mentally, morally, professionally, and physically qualified therefor.

(b) Subsection (a) of this section shall not exclude from the promotion to which he would otherwise be regularly entitled any Reserve officer in whose case a medical board may report that his physical disqualification for duty at sea or in the field was occasioned by wounds received in the line of duty, and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

Failure of selection and elimination.

SEC. 611. (a) A Reserve officer not above the grade of lieutenant after failing of selection for promotion to the next higher grade for a second time may be retained in or eliminated from an active status in the discretion of the Secretary. Other Reserve officers whose names are not on a promotion list after failing of selection for promotion to the next higher grade a second time shall be given an opportunity to apply for transfer to the Retired Reserve if qualified, but unless so transferred shall be discharged on June 30 of the fiscal year in which they have completed the following periods of total commissioned service for the grades specified:

Grade	Total Commissioned service
Captain.....	30 years
Commander	26 years
Lieutenant Commander.....	20 years

For the purposes of this subsection, the total commissioned service of an officer who shall have served continuously in the Coast Guard Reserve following appointment therein in the grade or rank of ensign shall be computed from June 30 of the fiscal year in which he accepted appointment. Each Reserve officer initially appointed in a grade above that of ensign shall be deemed to have for these purposes, as much total commissioned service as any officer of the Regular Coast Guard who has served continuously since original appointment as ensign, has not lost numbers or precedence and who is, or shall have been, junior to such Reserve officer, except that the total commissioned

service that such Reserve officer shall be deemed to have shall not be less than the actual number of years he has served in commissioned officer status above the grade of commissioned warrant officer.

(b) A Reserve officer who is eliminated from an active status under this section—

(1) shall be afforded an opportunity to request transfer to the Retired Reserve, if qualified; and

(2) if qualified, and he elects transfer to the Retired Reserve, shall be so transferred; or

(3) if not transferred to the Retired Reserve under (1) and (2) above, he shall be transferred to the Inactive Status List or discharged in the discretion of the Secretary.

SEC. 612. The President may remove the name of any officer from the promotion list. An officer whose name is so removed from the promotion list, or one whose appointment to flag rank is rejected by the Senate, shall continue to be eligible for consideration for recommendation for promotion. The next ensuing selection board may recommend the officer concerned for promotion, and thereupon, with the approval of the President, the name of such officer shall be replaced on the promotion list, without prejudice by reason of its having been temporarily removed therefrom, and when promoted such officer shall take the same rank and date of rank that he would have had had his name not been so removed. If such officer is not so recommended by such next ensuing selection board or if the President shall again remove his name from the promotion list or if the Senate shall again reject his appointment, he shall be held for all purposes to have twice failed of selection for promotion.

Removal by President or rejection by Senate.

SEC. 613. (a) A Reserve officer, if otherwise qualified, shall be transferred to the Retired Reserve on the date upon which he becomes sixty-two years of age, except that a Reserve officer initially appointed prior to January 1, 1953, at such age that completion of twenty years of satisfactory Federal service for retirement purposes cannot be accomplished by age sixty-two may be retained in an active status not later than the date upon which he becomes sixty-four years of age.

Maximum ages for active status.

(b) Notwithstanding subsection (a), the Secretary may authorize such classes or categories of Reserve flag officers as he may designate to be retained in an active status not later than the date on which the officer concerned becomes sixty-four years of age.

(c) Except as provided in subsections (a) and (b) of this section, a Reserve officer shall, unless transferred to the Retired Reserve, be discharged effective upon the date he reaches sixty-two years of age.

SEC. 614. (a) Notwithstanding any other law, if a Reserve officer is promoted when his or her running mate in the Regular Coast Guard is promoted and such promotion of the Regular running mate is on a temporary basis, the promotion of the Reserve officer concerned shall be on a temporary basis, and if subsequently the Regular running mate is reverted to a lower grade (for reasons other than disciplinary or for incompetence or at his own request), the Reserve officer shall likewise revert to the same lower grade in the same manner as his running mate in the Regular service and take corresponding precedence.

Type of promotion.

(b) An officer of the Reserve shall be promoted for temporary service or promoted permanently dependent upon the character of the promotion extended to his running mate. Subject to satisfactory service, under such appointment for temporary service, the appointment of the officer of the Reserve will be made permanent when that of his running mate is made permanent or would have been made permanent if his temporary service in the higher grade was found to have been satisfactory.

Officers on active duty.

SEC. 615. While serving on extended active duty, an officer of the Reserve may be promoted for temporary service in the same manner as an officer of the Regular Coast Guard. If so promoted by reason of being on active duty, the officer concerned will be considered an extra number in the higher grade of the Reserve and when released from such active duty, unless permanently promoted while on extended active duty, shall resume his permanent rank and status in the Reserve. Such officers shall also be considered by promotion boards for officers of the Reserve if they otherwise meet the requirements of this Act and the regulations of the Secretary and may be promoted in the normal manner for Reserve officers if qualified under the provisions of this Act.

Former Navy and Coast Guard officers.

SEC. 616. Former officers of the Navy or Coast Guard who are appointed in the Reserve in the same grades or ranks held in the Regular Navy or Coast Guard as a result of application therefor, made within one year from date of resignation from the Navy or Coast Guard, shall be given the same date of rank as that held by them in the Navy or Coast Guard.

Recall of retired officers.

SEC. 617. (a) Reserve officers of the Retired Reserve or officers on a Reserve retired list, when recalled to active duty, shall be recalled in the grades authorized or which may hereafter be authorized for the recall of Regular retired officers.

Grade upon relief.

(b) Notwithstanding any other provisions of this Act, any officer recalled to active duty pursuant to subsection (a) of this section and who is advanced to a higher grade under a temporary appointment shall, upon relief from active duty, if his performance of duty under such temporary appointment was satisfactory, be advanced on the retired list to the highest grade held while on active duty.

Regulations.

SEC. 618. The Secretary may prescribe such regulations, not inconsistent with this Act, as he may deem necessary and appropriate in the premises.

TITLE VII—MISCELLANEOUS PROVISIONS

Effective date.

SEC. 701. Except as otherwise provided, this Act shall become effective July 1, 1955.

Repeals and amendments.

SEC. 702. (a) Effective on the date of enactment of this Act, all laws limiting the number of officers in flag or general officer grades in the Naval Reserve and Marine Corps Reserve, who may serve on active duty, are repealed.

41 Stat. 785.
10 USC 511.

(b) The eighth paragraph of section 127a of the National Defense Act, as amended, is further amended to read as follows:

64 Stat. 145.
10 USC 507.

"Unless special assignment is made by the President under the provisions of the Act of June 4, 1920 (41 Stat. 811), as amended by the Act of August 7, 1947 (61 Stat. 913), and by the Act of May 5, 1950 (10 U. S. C. 1591), all officers of the Army and Air Force serving in the active military service of the United States in any grade shall take rank according to the date which, in the case of an officer of the Regular Army or the Regular Air Force is that stated in his commission or letter of appointment, and, in the case of a Reserve officer, shall precede that on which he enters the active military service of the United States by a period equal to the total of—

10 USC 1036a.

(1) one year for each year of satisfactory Federal service as defined in section 302 (b) of the Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1087) which

is earned by the officer concerned while holding that grade or any higher grade subsequent to the effective date of the Reserve Officer Personnel Act of 1954;

(2) the total length of active Federal service, or active duty or active duty for training as defined by section 101 of the Armed Forces Reserve Act of 1952 (66 Stat. 481), which he may have performed in that grade or any higher grade, including the total length of duty performed by him in that grade or any higher grade under the provisions of sections 92, 94, 97, and 99 of this Act, at any time except during a year of satisfactory Federal service counted under clause (1) of this paragraph; and

50 USC 901.

(3) one day for each point credited under section 302 (b) (2) of the Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1087) while holding that grade or any higher grade at any time subsequent to the effective date of the Reserve Officer Personnel Act of 1954 except during a year of satisfactory Federal service counted under clause (1) of this paragraph. When dates of rank as established herein are the same, precedence shall be determined by length of active Federal commissioned service in the Army or in the Air Force, as appropriate, which shall include all time served on active duty or active duty for training as defined by Section 101 of the Armed Forces Reserve Act of 1952 as a commissioned officer in the Federal service, service performed under the provisions of Sections 92, 94, 97, and 99 of this Act together with the total number of days credited such officer in any commissioned grade for points earned in the manner prescribed above. When length of such service is the same, officers of the Regular Army or Regular Air Force, as appropriate, shall take rank among themselves according to their places on the promotion list, preceding Reserve officers of the same date of rank and length of service who shall rank among themselves according to age."

10 USC 1036a.

(c) Subsection 257 (e) of the Armed Forces Reserve Act of 1952 (66 Stat. 497-8) is amended by inserting before the period at the end thereof the words "including a review of the effectiveness of the Reserve Officer Personnel Act of 1954."

50 USC 1008(e).

(d) Section 216 of the Armed Forces Reserve Act of 1952 (66 Stat. 486), is hereby repealed.

50 USC 936.

(e) Section 708 of the Armed Forces Reserve Act of 1952 is amended by adding at the end thereof the following: "Warrant officers and enlisted members of the National Guard of the United States and the Air National Guard of the United States holding appointments as Reserve commissioned officers pursuant to this section shall not be deemed to be in an active status as commissioned officers unless ordered to active duty or active duty for training by competent authority in their commissioned officer status and until so ordered by competent authority, unless discharged from their enlisted or warrant officer status, shall be deemed for all purposes to be serving in such warrant officer or enlisted status."

66 Stat. 503.
50 USC 1118.

(f) The President is authorized to appoint to the grade of Rear Admiral in the Retired Reserve any Reserve officer holding an appointment in the Retired Reserve in the grade of Commodore.

SEC. 703. (a) Except as provided in subsection 617 (b), nothing in this Act authorizes the retirement of Reserve officers or the payment of retired, retirement or severance pay to such officers, or to affect in any manner provisions of law relating to the retirement of, or the granting of retired or retirement pay or other benefits to, Reserve officers.

Savings provisions.

48 Stat. 159.
32 USC 66, 171-
176.

(b) This Act does not modify in any manner any provision of section 81 of the National Defense Act, as amended.

61 Stat. 840.
34 USC 211a(o).

(c) This Act does not modify in any manner any provision of subsection 304 (o) of the Officer Personnel Act of 1947, as amended.

Approved September 3, 1954.

Public Law 774

CHAPTER 1258

AN ACT

September 3, 1954
[H. R. 2235]

To authorize the Secretary of the Interior to construct the Santa Maria project, Southern Pacific Basin, California.

Santa Maria
project, Calif.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to construct the project for irrigation and the conservation of water, flood control, and for other purposes, on Santa Maria River, California, pursuant to the laws of California relating to water and water rights, and, otherwise substantially in accordance with the recommendations of the Secretary of the Interior dated January 16, 1953, entitled "Santa Maria project, Southern Pacific Basin, California", in relation to the Vaquero Dam and Reservoir and any other conservation feature of the project: *Provided*, That in view of the special circumstances of the Santa Maria project, neither the provisions of the third sentence of section 46 of the Act of May 25, 1926 (44 Stat. 636, 649) nor any other similar provision of the Federal reclamation laws shall be applicable thereto so long as the water utilized on project lands is acquired by pumping from the underground reservoir: *Provided further*, That a repayment contract not exceeding a period of fifty years be executed prior to commencement of construction of the works herein authorized.

43 USC 423e.

Repayment contract.

Appropriation.

SEC. 2. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required for the purposes of this Act not to exceed \$16,982,000.

Approved September 3, 1954.

Public Law 775

CHAPTER 1259

AN ACT

September 3, 1954
[H. R. 5420]

To amend section 161, title 35, United States Code, relating to the patenting of plants.

Patents for
plants.
66 Stat. 804.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 161, title 35, United States Code, is hereby amended to read as follows:

"SEC. 161. PATENTS FOR PLANTS.—Whoever invents or discovers and asexually reproduces any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber propagated plant or a plant found in an uncultivated state, may obtain a patent therefor, subject to the conditions and requirements of this title.

"The provisions of this title relating to patents for inventions shall apply to patents for plants, except as otherwise provided."

Approved September 3, 1954.

Public Law 776

CHAPTER 1260

AN ACT

September 3, 1954
[H. R. 2233]

To provide for the acquisition of lands by the United States required for the reservoir created by the construction of Oahe Dam on the Missouri River and for rehabilitation of the Indians of the Cheyenne River Sioux Reservation, South Dakota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this agreement between the United States of America and the Sioux Indians of Cheyenne River Reservation in South Dakota, Witnesseth, That this agreement when enacted by Congress and when confirmed and accepted in writing by three-quarters of the adult Indians of the Cheyenne River Reservation in South Dakota, as shown by the tribal rolls of the said reservation, does hereby convey to the United States all tribal, allotted, assigned, and inherited lands or interests within said Cheyenne River Reservation belonging to the Indians of said reservation, which lands are required by the United States for the reservoir to be created by the construction of the dam across the Missouri River in South Dakota, now known as Oahe Dam, including such lands along the margin of said proposed reservoir as may be required by the Chief of Engineers, United States Army, for the construction, protection, development, and use of said reservoir all as described in part II of this agreement, subject, however, to the conditions of this agreement hereinafter set forth: *Provided*, That the effective date of this Act shall be the date when the Secretary of the Interior shall by proclamation declare that this agreement has been ratified and approved in writing by three-quarters of the adult members of said Indians as above defined.

Oahe Dam, S.
Dak.
Acquisition of
lands.

Effective date.

SECTION II. The United States agrees to pay, out of funds appropriated for construction of the Oahe project, as just compensation for all lands and improvements and interests therein (except the agency hospital) conveyed pursuant to section I of this Act; and for the bed of the Missouri River so far as it is the eastern boundary of said Cheyenne River Reservation, the sum of \$5,384,014; which sum shall be in final and complete settlement of all claims, rights, and demands of said Tribe or allottees or heirs thereof arising out of the construction of the Oahe project, and shall be deposited to the credit of said Tribe in the Treasury of the United States, to draw interest on the principal thereof at the rate of 4 per centum per annum until expended: *Provided*, That the said Tribal Council with the approval of the Secretary of the Interior shall distribute the sum of \$2,250,000 in accordance with the revised appraisal of the Missouri River Basin investigation staff of the Department of the Interior.

U. S. -Cheyenne
River Reservation
Indians.
Agreement.
Payment.

SECTION III. The United States further agrees to appropriate, and the Secretary of the Army is authorized and directed to make available from sums so appropriated to be charged against the cost of construction of the Oahe project, further additional appropriations for the special purposes of relocating and reestablishing the Indian cemeteries, tribal monuments and shrines within the taking area for said reservoir described in Part II of this Act as the Tribal Council of said Indian Tribe shall select and designate, which sums shall be expended on the recommendation of the Tribal Council with the approval of the Secretary of the Interior.

Relocation of
cemeteries, etc.

SECTION IV. The United States further agrees to appropriate, and the Secretary of the Army is authorized and directed to make available from sums so appropriated to be charged against the cost of construction of the Oahe project, further additional appropriations which shall be expended for the relocation and reconstruction of Cheyenne River Agency, relocation and reconstruction of schools,

Relocation of
schools, hospitals,
etc.

Rehabilitation
and relocation of
members.

hospitals, service buildings, agents and employees quarters, roads, bridges and incidental matters or facilities in connection therewith.

SECTION V. In addition to the sum set out in section II hereof, the United States further agrees that it will appropriate and make available a further sum in the total amount of \$5,160,000 which shall likewise be deposited in the Treasury of the United States to the credit of said Indian Tribe to draw interest on the principal thereof at the rate of 4 per centum per annum until expended for the purpose of complete rehabilitation for all members of said Tribe who are residents of the Cheyenne River Sioux Reservation at the time of the passage of this Act, whether or not residing within the taking area of the Oahe Project, and for relocating and reestablishing members of said Tribe who reside upon such lands conveyed to the United States to the extent that the economic, social, religious, and community life of all said Indians shall be restored to a condition not less advantageous to said Indians than the condition that the said Indians now are in: *Provided*, That said fund provided for in this section shall be expended upon the order and direction of the Tribal Council of said Tribe, with the approval of the Secretary of the Interior, for the purposes set forth in this section: *Provided further*, That the authorization contained in section XVI hereof shall remain available for a period not to exceed ten years from the effective date of this Act.

Mineral rights.

SECTION VI. The United States agrees that all mineral rights of whatsoever nature at or below the surface within the taking area as described in Part II hereof shall be and hereby are reserved to said Indian Tribe or individual owners or holders of lands or interests in lands as their interests may appear under section I hereof, subject to future extraction and use by said Tribe or said members thereof or their heirs, successors, or assigns, but also subject to all reasonable regulations which may be imposed by the Chief of Engineers, United States Army, for the protection and use by the United States of the taking area for the purposes of the Oahe Dam and Reservoir Project.

Timber.

SECTION VII. The members of the said Indian Tribe shall have the right without charge to cut and remove all timber and to salvage any portion of the improvements within said taking area either by demolition or removal, and the owners of the land whereon said improvements stand shall have a prior right to such salvage but if said right is waived or not exercised before the date of the notice provided for in section IX hereof, the Tribal Council shall have the right to designate others to demolish or remove said timber and improvements or in the discretion of the Tribal Council, said demolition or removal may be undertaken and carried out by said Tribal Council: *Provided*, That the salvage permitted by this section shall not be construed as "double compensation" as set out in section 2 (b) (2) of Public Law 870, Eighty-first Congress.

64 Stat. 1094.

Livestock protection

SECTION VIII. The United States and the Indian parties to this agreement recognize that a hazard to livestock is created by the rise and fall of the waters to be impounded in Oahe Reservoir. They also recognize that said hazard is not subject to exact determination at this time, therefore the parties to this agreement agree that all hazards which may develop when the annual rise and fall of Oahe Reservoir can reasonably be determined shall be met by the United States by such protective measures as may be necessary to minimize losses to the Indian parties hereto as to livestock only.

Right to remain
and use lands.

SECTION IX. Members of said Indian Tribe now residing within the taking area of the project shall have the right without charge to remain on and use the lands hereby conveyed as said lands are now being used from and after the effective date of this Act to the point in time where the gates of Oahe Dam are to be closed for the impound-

ment of the water of the Missouri River. The Chief of Engineers shall give public notice one year in advance of the prospective date of the closing of said gates for said purpose and all improvements of whatever nature, all timber of whatever kind or class shall be salvaged or removed or else shall be considered as abandoned by the Tribe or by the individual owners at a date six months subsequent to the date of the notice given by the Chief of Engineers. All individuals and personal property shall remove or be removed from the taking area before the expiration of the one year's notice given by the Chief of Engineers as aforesaid. And the United States shall not be liable for any loss of life or property not so removed from the taking area from and after the expiration of said notice.

Public notice.

SECTION X. After the Oahe Dam gates are closed and the waters of the Missouri River impounded, the said Indian Tribe and the members thereof shall have the right to graze stock on the land between the level of the reservoir and the taking line described in Part II hereof. The said Tribal Council and the members of said Indian Tribe shall have, without cost, the right of free access to the shoreline of the reservoir including the right to hunt and fish in and on the aforesaid shoreline and reservoir, subject, however, to regulations governing the corresponding use by other citizens of the United States.

Grazing, fishing
and hunting rights.

SECTION XI. The United States through the Department of the Interior shall render all aid and assistance to individual members of said Tribe whose lands are within the said taking area for the purposes of purchasing land in the name of the United States for said individuals and the United States shall reconvey said lands under trust patent to the individual owners upon the selection by said owners of the land which they decide to have purchased for them. The said trust patents shall be in form and effect the same as corresponding trust patents heretofore issued to said individuals. The holders of exchange assignments within the said taking area shall be regarded as holders of trust patents and shall be accorded the same privileges and procedures as holders of land held in trust as in this section provided.

Trust patents.

The funds for the purchase of such substitute land in all cases shall be provided by the individual applying for such purchase and reconveyance as is herein described, out of monies placed to his credit for the transfer of his lands, improvements and timber under the authority of this agreement and the subsequent Act of Congress herein provided for but no service charge shall be made by the United States in addition to the cost of the substitute allotment. The lands so selected and purchased as substitute allotments may be either within the boundaries of the Cheyenne River Reservation as diminished by this agreement or outside said reservation as may meet the desires of the individuals involved in the several transactions: *Provided*, That no purchase of lands outside the Cheyenne River Reservation shall affect the existing status of such lands, interests or rights therein, or improvements thereon, with respect to taxation. No prior Act of Congress or Departmental regulation shall be held to be a bar to the full operation of this section, nor shall the Tribal Constitution, ordinance or resolution thereunder be held to be a bar to the full operation of this section, numbered XI.

SECTION XII. No part of any expenditure made by the United States under any or all of the provisions of this agreement and the subsequent acts of ratification shall be charged as an offset or counter claim against any tribal claim which has arisen under any treaty, law, or executive order of the United States prior to the effective date of taking of said land as provided for in section I hereof and the payment of Sioux benefits as provided for in section 17 of the said

Tribal claims.

Sioux benefits,
continuance.

48 Stat. 987. 25 USC 474.	Act of March 2, 1889 (25 Stat. 888), as amended, shall be continued under the provision of section 14 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), on the basis now in operation without regard to the loss of tribal land within the taking area under the provisions of this agreement.
Reimbursement for negotiations.	SECTION XIII. The United States agrees to reimburse the said Tribal Council for expenses incurred by it and caused by, or incident to, the negotiations which have led up to the making and ratification of this agreement: <i>Provided</i> , That such reimbursable expenses do not exceed in the aggregate \$100,000, of which not more than \$50,000 shall be payable as attorney fees. The Tribal Council shall send a statement to the Secretary of the Army setting out said expenses up to the date of the proclamation to be issued by the Secretary of the Interior declaring that the Act of Congress approving this agreement is in full force and effect. The Secretary of the Army shall forward said statement to the Congress for appropriation together with his recommendations.
Report.	
Consolidation of interests.	SECTION XIV. Holders of inherited lands or interests in lands may consolidate their interests by and between themselves and the total proceeds in the hands of any individual held by such consolidation of interests may be used by any individual holder of the same for purchase of substitute lands as in section XI provided.
Rejection of final appraisal.	SECTION XV. The right of any individual member of said Indian Tribe to reject the final appraisal made on his land and improvements shall be preserved and, if any individual does reject such final appraisal, he shall file notice of such rejection by notice in writing to the Chief of Engineers, United States Army, who shall thereupon file a proceeding in the United States District Court of the District of South Dakota as in a condemnation proceeding and jurisdiction is hereby conferred upon said Court to determine, by procedure corresponding to a condemnation proceeding, the value of said land and improvements and the said Tribal Council shall deposit with the clerk of said court the full amount set out in the final appraisal which was previously offered to said individual, which fund shall be used in payment in full or in part of the final judgment of said United States District Court. Cost of such proceedings shall be borne by the United States and the individual involved shall be entitled to counsel at his own expense. In the event the amount of the appraisal so deposited in said Court is not enough to cover the final judgment in said proceeding, the United States shall pay such difference from the fund of \$5,384,014 established under section II, hereof, into the hands of the clerk of said Court and thereupon title shall vest in the United States.
Jurisdiction of court.	
Appropriation.	SECTION XVI. There is hereby authorized to be appropriated not to exceed \$10,644,014, as provided by sections II, V, and XIII, exclusive of the sums to be charged against the cost of construction of the Oahe project as provided in sections III and IV hereof.

PART II

The lands conveyed by this agreement are the following tracts of land all in the State of South Dakota:

Township 5 north, range 30 east, Black Hills meridian

Section 5: Northwest quarter northwest quarter northeast quarter; north half northwest quarter; north half southeast quarter northwest quarter; northwest quarter southwest quarter northwest quarter.

Section 6: Northeast quarter northeast quarter; northeast quarter southeast quarter northeast quarter; north half northwest quarter northeast quarter; east half northeast quarter northwest quarter.

Township 6 north, range 29 east, Black Hills meridian

Section 1: Lots 1, 2, 5, and 6.

Township 6 north, range 30 east, Black Hills meridian

Section 28: Southwest quarter southeast quarter.

Section 33: Northeast quarter northwest quarter northeast quarter; southeast quarter northwest quarter.

Township 7 north, range 29 east, Black Hills meridian

Section 21: All.

Section 34: Southeast quarter.

Township 7 north, range 30 east, Black Hills meridian

Section 19: Lots 1, 2, and 3.

Section 20: Lot 1.

Section 29: Lots 1, 2, and 3.

Section 30: Northeast quarter northeast quarter; east half southeast quarter northeast quarter; north half northwest quarter northeast quarter; north half northeast quarter northwest quarter.

Section 31: West half northeast quarter; lots 6, 7, and 8.

Section 32: Lot 1.

Township 8 north, range 23 east, Black Hills meridian

Section 1: Lots 5 and 6.

Township 9 north, range 23 east, Black Hills meridian

Section 36: South half southwest quarter and lots 2, 3, and 4.

Township 9 north, range 24 east, Black Hills meridian

Section 12: South half south half northeast quarter; northwest quarter southeast quarter; southeast quarter northeast quarter southwest quarter; east half southwest quarter southwest quarter; lots 2, 3, 4, and 5.

Section 13: West half northwest quarter; northwest quarter southwest quarter; lots 6, 7, 8, and 9.

Section 14: South half; south half northwest quarter; west half southwest quarter northeast quarter; east half southeast quarter northeast quarter.

Section 15: Southeast quarter northeast quarter; south half southeast quarter southeast quarter.

Section 22: North half northeast quarter northeast quarter; northeast quarter southeast quarter; southeast quarter northwest quarter southeast quarter; lots 2 and 3; lot 1 except ten acres in the form of a square situated in the northwest corner thereof.

Section 23: Northwest quarter; northwest quarter northeast quarter; lots 6, 7, 8, and 9.

Section 27: Lots 5, 6, 8, 9, and 10; lot 7, except ten acres in the form of a square, situated in the northwest corner thereof.

Section 28: South half southeast quarter; south half north half southeast quarter.

- Section 31: Southeast quarter northeast quarter; lots 6, 7, 8, and 9.
Section 32: South half south half northwest quarter; lots 8 and 9.
Section 33: Lots 5 and 6.
Section 34: Northwest quarter southeast quarter northwest quarter; lots 1, 2, and 3.

Township 9 north, range 25 east, Black Hills meridian

Section 1: East half southeast quarter; southwest quarter southeast quarter; south half northwest quarter southeast quarter; northeast quarter southwest quarter; north half southeast quarter southwest quarter; southeast quarter southeast quarter southwest quarter; southeast quarter northwest quarter southwest quarter; north half southwest quarter southwest quarter.

Section 2: Southeast quarter southeast quarter.

Section 7: South half southwest quarter northeast quarter; southwest quarter southeast quarter northeast quarter; south half of lot 5; lots 3, 4, 11, and 12.

Section 9: West half southwest quarter; south half southeast quarter southwest quarter; southwest quarter southwest quarter southeast quarter.

Section 10: Southeast quarter southeast quarter; southwest quarter northeast quarter southeast quarter; southeast quarter northwest quarter southeast quarter; east half southwest quarter southeast quarter; southwest quarter southwest quarter southeast quarter; south half southeast quarter southwest quarter; southeast quarter southwest quarter southwest quarter.

Section 11: South half southwest quarter southwest quarter; northwest quarter southwest quarter southwest quarter.

Section 12: North half northeast quarter northeast quarter; northeast quarter northwest quarter northeast quarter.

Section 13: South half southwest quarter; south half northwest quarter southwest quarter.

Section 14: Lots 5, 6, and 7.

Section 15: North half; lots 5, 6, 7, 8, and 9.

Section 16: Northwest quarter; north half northeast quarter; lots 5, 6, 7, and 8.

Section 17: Lots 1 and 10.

Section 18: East half northwest quarter; west half northeast quarter; southeast quarter northeast quarter; lots 1, 2, and 3.

Section 23: Lot 3.

Section 24: Lots 6, 7, and 8.

Township 9 north, range 26 east, Black Hills meridian

Section 1: Lot 8 (formerly known as lot 7).

Section 3: Northwest quarter northwest quarter; north half northeast quarter northwest quarter; lot 5.

Section 4: Northwest quarter; north half northeast quarter; north half southeast quarter northeast quarter; north half southwest quarter; southwest quarter southwest quarter; lots 2, 3, and 4.

Section 5: East half; southwest quarter; northeast quarter northwest quarter; east half northwest quarter northwest quarter; north half southeast quarter northwest quarter; southeast quarter southeast quarter northwest quarter.

Section 6: Southeast quarter; southwest quarter northeast quarter; southwest quarter southeast quarter northeast quarter; southwest quarter northwest quarter northeast quarter; southeast quarter southwest quarter; south half northeast quarter southwest quarter; south half of lot 3; lot 4.

Section 7: North half north half northeast quarter; southeast quarter southeast quarter; southeast quarter southwest quarter southeast quarter.

Section 8: Southwest quarter; northeast quarter; north half northwest quarter northwest quarter; east half southeast quarter northwest quarter; southwest quarter southeast quarter northwest quarter; southwest quarter southeast quarter; lot 1.

Section 9: West half northwest quarter; lots 7, 8, 9, and 10.

Section 10: Lot 5.

Section 17: West half west half; northeast quarter northwest quarter; west half southeast quarter northwest quarter; lots 5, 6, 8, 9, and 10.

Section 18: Southeast quarter; east half southwest quarter; south half northeast quarter; northeast quarter northeast quarter; east half northwest quarter northeast quarter; east half southeast quarter northwest quarter; south half of lot 4.

Section 19: Lots 7, 8, and 9.

Section 20: Lots 4 and 5.

Township 9 north, range 27 east, Black Hills meridian

Section 1: Lots 8 and 11.

Section 2: Lots 9 and 12.

Section 3: Lot 5.

Section 5: Lot 5.

Section 6: Northeast quarter northwest quarter; Lots 8, 9 and 10.

Section 10: North half northeast quarter northeast quarter; north half south half northeast quarter northeast quarter.

Section 11: North half northwest quarter northwest quarter.

Section 12: Lot 2.

Township 9 north, range 28 east, Black Hills meridian

Section 4: Lots 5 and 6.

Section 5: North half northeast quarter; southeast quarter northeast quarter; Lots 6, 7, 8, 10, and 11.

Section 6: Lots 7, 8 and 11.

Section 7: Lots 14 and 15.

Township 9 north, range 29 east, Black Hills meridian

Section 1: All.

Section 2: North half.

Section 3: North half north half.

Section 4: Southeast quarter northeast quarter; Lot 4.

Township 9 north, range 30 east, Black Hills meridian

All.

Township 10 north, range 26 east, Black Hills meridian

Section 10: Southwest quarter southwest quarter; west half southeast quarter southwest quarter; southeast quarter northwest quarter southwest quarter; southwest quarter northeast quarter southwest quarter.

Section 14: South half southwest quarter southeast quarter.

Section 15: West half west half; west half east half west half; east half southeast quarter southwest quarter; west half southwest quarter southeast quarter.

Section 16: Northeast quarter southeast quarter southeast quarter; south half northeast quarter southeast quarter.

Section 19: East half southeast quarter southeast quarter.

Section 20: West half southwest quarter; south half southwest quarter northwest quarter; southwest quarter southeast quarter southwest quarter.

Section 22: Southeast quarter; east half west half; east half west half northwest quarter; east half northwest quarter southwest quarter; southwest quarter northeast quarter; west half southeast quarter northeast quarter; southeast quarter southeast quarter northeast quarter.

Section 23: Southeast quarter; east half southwest quarter; southwest quarter southwest quarter; south half northwest quarter southwest quarter; south half southeast quarter northwest quarter; west half northeast quarter; southeast quarter northeast quarter; south half northeast quarter northeast quarter; northwest quarter northeast quarter northeast quarter.

Section 24: North half southwest quarter; southwest quarter southwest quarter; west half southeast quarter southwest quarter; northeast quarter southeast quarter southwest quarter; southwest quarter northwest quarter; west half southeast quarter northwest quarter; southeast quarter northwest quarter northwest quarter; northeast quarter northwest quarter; west half northwest quarter northeast quarter.

Section 25: Southwest quarter; south half southeast quarter; northwest quarter southeast quarter; south half northeast quarter southeast quarter; southwest quarter northeast quarter; south half northwest quarter; northwest quarter northwest quarter; southwest quarter northeast quarter northwest quarter.

Section 26: North half; north half south half; south half southeast quarter; southeast quarter southwest quarter; east half southwest quarter southwest quarter.

Section 27: North half northeast quarter northwest quarter; north half northeast quarter; southeast quarter northeast quarter; east half northeast quarter southeast quarter; south half southwest quarter; south half northwest quarter southwest quarter; southwest quarter northeast quarter southwest quarter.

Section 28: Southeast quarter; east half southwest quarter; east half southwest quarter southwest quarter; northwest quarter southwest quarter; west half northwest quarter; west half southeast quarter northwest quarter; southeast quarter southeast quarter northwest quarter.

Section 29: Northeast quarter southeast quarter; east half northeast quarter; northwest quarter northeast quarter; north half southwest quarter northeast quarter; northeast quarter northwest quarter; northeast quarter southeast quarter northwest quarter.

Section 32: South half southeast quarter; south half northeast quarter southeast quarter; east half southeast quarter southwest quarter.

Section 33: South half south half; southwest quarter northwest quarter southwest quarter; northeast quarter southeast quarter; east half northeast quarter; northwest quarter northeast quarter; east half northeast quarter northwest quarter; northwest quarter northeast quarter northwest quarter; northeast quarter northwest quarter northwest quarter.

Section 34: All.

Section 35: North half; west half southwest quarter southeast quarter; lot 5.

Section 36: Northeast quarter; north half northwest quarter; lots 6 and 7.

Township 10 north, range 27 east, Black Hills meridian

Section 15: Southwest quarter southwest quarter.

Section 16: Southeast quarter; northeast quarter southwest quarter; east half northwest quarter southwest quarter; north half southeast quarter southwest quarter; northeast quarter southwest quarter southwest quarter; southwest quarter northeast quarter; southwest quarter northwest quarter northeast quarter; southeast quarter northeast quarter northwest quarter; west half northeast quarter northwest quarter; east half west half northwest quarter; southeast quarter northwest quarter.

Section 21: North half northeast quarter; southeast quarter northeast quarter; east half northeast quarter southeast quarter; northeast quarter southeast quarter southeast quarter.

Section 22: South half southeast quarter; south half northwest quarter southeast quarter; northwest quarter northwest quarter southeast quarter; north half southwest quarter; southeast quarter southwest quarter; east half southwest quarter southwest quarter; northwest quarter southwest quarter southwest quarter; southwest quarter southwest quarter northeast quarter; southeast quarter southeast quarter northwest quarter; west half southeast quarter northwest quarter; west half northwest quarter.

Section 23: Southwest quarter southwest quarter; northwest quarter southeast quarter southwest quarter.

Section 24: Southeast quarter northeast quarter; west half northeast quarter northeast quarter; southeast quarter northeast quarter northeast quarter; east half southwest quarter northeast quarter; northwest quarter southwest quarter northeast quarter; northeast quarter southeast quarter; east half southeast quarter southeast quarter; northwest quarter southeast quarter southeast quarter.

Section 25: Southeast quarter northeast quarter; east half northeast quarter southeast quarter; west half southwest quarter southeast quarter; south half southwest quarter; northwest quarter southwest quarter; southwest quarter northeast quarter southwest quarter.

Section 26: South half; south half north half; south half northeast quarter northeast quarter; southeast quarter northwest quarter northeast quarter; southwest quarter northeast quarter northwest quarter; northwest quarter northwest quarter.

Section 27: Northeast quarter; north half northeast quarter northwest quarter; northeast quarter northwest quarter northwest quarter; northeast quarter southeast quarter; northeast quarter northwest quarter southeast quarter; northeast quarter southeast quarter southeast quarter; south half south half southeast quarter; southeast quarter southeast quarter southwest quarter.

Section 28: Southwest quarter; southwest quarter northwest quarter; west half southeast quarter northwest quarter.

Section 29: East half southeast quarter; northwest quarter southeast quarter; southeast quarter southwest quarter southeast quarter; south half northeast quarter; northeast quarter southeast quarter northwest quarter; southeast quarter northeast quarter northwest quarter; southwest quarter southeast quarter southwest quarter; south half southwest quarter southwest quarter; northwest quarter southwest quarter southwest quarter.

Section 30: South half southeast quarter; east half southeast quarter southwest quarter; southwest quarter southeast quarter southwest quarter; south half of lot 4.

Section 31: Northeast quarter; east half northwest quarter; east half southwest quarter; north half north half southeast quarter; lots 1 and 2.

Section 32: North half; west half southwest quarter; northeast quarter southwest quarter; lots 3, 4, and 5.

Section 33: Northwest quarter; south half northeast quarter; south half north half northeast quarter; northwest quarter northwest quarter northeast quarter; northwest quarter southwest quarter; lots 4, 5, 6, 7, and 8.

Section 34: Northeast quarter; north half northeast quarter southeast quarter; southeast quarter northwest quarter; south half north half northwest quarter; northeast quarter northeast quarter northwest quarter; lots 3, 4, and 5.

Section 35: Northwest quarter; north half northeast quarter; southwest quarter northeast quarter; northeast quarter southwest quarter; north half northwest quarter southwest quarter; north half southeast quarter southwest quarter; north west quarter southeast quarter; north half southwest quarter southeast quarter.

Section 36: Northwest quarter; southeast quarter; south half northeast quarter; northwest quarter northeast quarter; south half northeast quarter northeast quarter.

Township 10 north, range 28 east, Black Hills meridian

Section 1: North half southwest quarter southwest quarter; south half northwest quarter southwest quarter.

Section 2: South half; south half north half; lots 3 and 4; the south twenty acres of lot 2.

Section 3: Southeast quarter; south half northeast quarter; south half southeast quarter southwest quarter; west half southwest quarter; southwest quarter northwest quarter; lots 1 and 2.

Section 4: South half; south half north half; lot 4; the south 20 acres of lot 2; the south twenty acres of lot 3.

Section 5: All.

Section 6: South half northeast quarter; northeast quarter southeast quarter; north half southeast quarter southeast quarter; lots 1 and 2.

Section 8: North half northeast quarter; north half south half northeast quarter; southeast quarter southeast quarter northeast quarter; east half northeast quarter northwest quarter; northeast quarter southeast quarter northwest quarter; east half east half southeast quarter.

Section 9: All.

Section 10: All.

Section 11: All.

Section 12: South half; south half north half; south half north half north half.

Section 13: East half northeast quarter southwest quarter; west half northwest quarter southeast quarter.

Section 14: Lots 2, 3, and 4.

Section 15: All.

Section 16: All.

Section 17: East half east half northeast quarter; east half northeast quarter southeast quarter; southwest quarter northeast quarter southeast quarter; southeast quarter southeast quarter; southeast quarter northwest quarter southeast quarter; east half southwest quarter southeast quarter; southwest quarter southwest quarter southeast quarter; southeast quarter southeast quarter southwest quarter.

Section 19: East half southwest quarter; west half southeast quarter; west half east half southeast quarter; southwest quarter southwest quarter northeast quarter; east half southeast quarter northwest

quarter; south half northeast quarter northwest quarter; northwest quarter northeast quarter northwest quarter; lots 3 and 4; lot 2 except the east twenty acres thereof.

Section 20: Northeast quarter; west half southeast quarter; east half northeast quarter northwest quarter; lots 1 and 2.

Section 21: All.

Section 24: Lots 1, 2, and 3.

Section 29: West half east half; east half east half northwest quarter; east half northeast quarter southwest quarter; south half southwest quarter; southwest quarter northwest quarter southwest quarter; lots 1, 2, 3, and 4.

Section 30: West half east half; east half west half; west half east half northeast quarter; east half southeast quarter; lots 1, 2, 3, and 4.

Section 31: East half.

Section 32: All.

Section 33: All.

Township 10 north, range 29 east, Black Hills meridian

Section 1: East half southeast quarter; east half northwest quarter southeast quarter; southeast quarter northeast quarter; east half southwest quarter northeast quarter; northwest quarter southwest quarter northeast quarter; lots 1 and 2; east half of lot 3.

Section 4: Southwest quarter southwest quarter; south half northwest quarter southwest quarter.

Section 5: East half southwest quarter northeast quarter; west half southeast quarter northeast quarter; east half northwest quarter southeast quarter; west half northeast quarter southeast quarter; southeast quarter northeast quarter southeast quarter; southeast quarter southeast quarter; west half southwest quarter; west half southeast quarter southwest quarter; southwest quarter southwest quarter northwest quarter.

Section 6: Southeast quarter northwest quarter; northeast quarter southwest quarter; north half southeast quarter southwest quarter; southeast quarter southeast quarter southwest quarter; lots 4 and 5; north half of lot 6.

Section 7: Northeast quarter northeast quarter northwest quarter; south half southeast quarter northwest quarter; lot 2; south half of lot 1.

Section 8: East half; northwest quarter; northeast quarter southwest quarter.

Section 9: West half west half; west half east half southwest quarter; northeast quarter northeast quarter southwest quarter; north half northwest quarter southeast quarter; southeast quarter northwest quarter; south half northeast quarter northwest quarter; southwest quarter southwest quarter northeast quarter.

Section 12: East half southeast quarter; northwest quarter southeast quarter; northeast quarter southwest quarter southeast quarter; northeast quarter northeast quarter southwest quarter; south half southwest quarter northeast quarter; north half northeast quarter northeast quarter; southeast quarter northeast quarter northeast quarter; southeast quarter northwest quarter.

Section 13: Northeast quarter northeast quarter.

Section 16: North half northwest quarter northwest quarter; northwest quarter northeast quarter northwest quarter.

Section 17: West half; west half east half; northeast quarter northeast quarter; west half southeast quarter northeast quarter; west half northeast quarter southeast quarter.

Section 18: North half southeast quarter; southwest quarter southeast quarter; east half southeast quarter southeast quarter; east half southwest quarter; lots 3 and 4.

Section 19: West half northeast quarter northwest quarter; lots 1 and 3.

Section 20: East half west half; west half east half; east half southeast quarter; southeast quarter northeast quarter; south half northeast quarter northeast quarter; northwest quarter northeast quarter northeast quarter.

Section 21: South half; south half northwest quarter; south half north half northwest quarter; west half southwest quarter northeast quarter; southeast quarter southwest quarter northeast quarter; southwest quarter southeast quarter northeast quarter.

Section 22: Northwest quarter southwest quarter.

Section 24: South half southeast quarter; northwest quarter southeast quarter; west half northeast quarter southeast quarter; southeast quarter northeast quarter southeast quarter; northeast quarter southeast quarter southwest quarter; east half northeast quarter southwest quarter; southeast quarter southeast quarter northwest quarter; southwest quarter southwest quarter northeast quarter.

Section 25: East half east half; east half west half southeast quarter; southwest quarter northeast quarter.

Section 27: Southwest quarter northwest quarter northwest quarter.

Section 28: West half; north half northeast quarter; southwest quarter northeast quarter; west half northwest quarter southeast quarter; south half southeast quarter.

Section 29: Southeast quarter; east half northeast quarter; southwest quarter northeast quarter; east half northwest quarter northeast quarter; east half west half northwest quarter northeast quarter; southeast quarter southwest quarter.

Section 30: Lots 2 and 5.

Section 32: Lot 3.

Section 33: North half northwest quarter; northeast quarter; east half southeast quarter; east half northwest quarter southeast quarter.

Section 34: South half; south half northwest quarter; south half north half northwest quarter; west half southwest quarter northeast quarter.

Section 35: South half.

Section 36: South half south half; northeast quarter southeast quarter; east half northwest quarter southeast quarter; southeast quarter southwest quarter northeast quarter; south half southeast quarter northeast quarter; northeast quarter southeast quarter northeast quarter; north half northeast quarter northeast quarter.

Township 10 north, range 30 east, Black Hills meridian

Section 1: South half northwest quarter; southwest quarter northeast quarter; lots 1, 2, 3, 4, and 5.

Section 2: South half northeast quarter; west half southeast quarter; west half west half east half southeast quarter; south half southwest quarter; south half northeast quarter southwest quarter; lots 1 and 2.

Section 3: East half southeast quarter southeast quarter; southwest quarter southeast quarter southeast quarter.

Section 4: Southwest quarter; south half northwest quarter; southwest quarter southeast quarter; south half northwest quarter southeast quarter; northwest quarter northwest quarter southeast quarter; east half southwest quarter northeast quarter; lot 4, except ten acres, in the form of a square, situated in the northeast corner of said lot 4.

Section 5: East half southeast quarter; south half southwest quarter southeast quarter; southeast quarter northeast quarter; northeast quarter southwest quarter northeast quarter; lot 1; east half of lot 2.

Section 6: West half southeast quarter; east half southwest quarter; west half southwest quarter northeast quarter; southeast quarter northwest quarter; lots 4, 5, 6, and 7; ten acres, in the form of a square, situated in the southwest corner of lot 3.

Section 7: All.

Section 8: East half east half; north half northwest quarter northeast quarter; southeast quarter northwest quarter northeast quarter; east half southwest quarter northeast quarter; east half northwest quarter southeast quarter; southwest quarter northwest quarter southeast quarter; southwest quarter southeast quarter; southeast quarter southwest quarter; west half southwest quarter; west half northeast quarter southwest quarter; southeast quarter northeast quarter southwest quarter; southwest quarter northwest quarter; west half southeast quarter northwest quarter; west half northwest quarter northwest quarter; southeast quarter northwest quarter northwest quarter.

Section 9: West half; southeast quarter; south half south half northeast quarter.

Section 10: South half southeast quarter; southwest quarter; south half southwest quarter northwest quarter; southeast quarter northwest quarter; southeast quarter northeast quarter northwest quarter; east half northeast quarter; southwest quarter northeast quarter; east half northwest quarter northeast quarter; southwest quarter northwest quarter northeast quarter.

Section 11: North half north half; southwest quarter northeast quarter; north half southwest quarter; lots 1, 2, 3, and 4.

Section 14: All.

Section 15: All.

Section 16: All.

Section 17: All.

Section 18: East half; east half west half; lot 1.

Section 19: Northeast quarter; east half northeast quarter northwest quarter; northwest quarter northeast quarter northwest quarter; northeast quarter southeast quarter northwest quarter; east half southeast quarter; east half northwest quarter southeast quarter; west half southeast quarter southwest quarter; lot 4.

Section 20: All.

Section 29: All.

Section 30: All.

Section 31: All.

Township 10 north, range 31 east, Black Hills meridian

All.

Township 11 north, range 28 east, Black Hills meridian

Section 27: Southwest quarter; south half southeast quarter; south half north half southeast quarter; southeast quarter northwest quarter; east half southwest quarter northwest quarter; south half northeast quarter northwest quarter; southeast quarter northwest quarter northwest quarter.

Section 28: East half southeast quarter; northeast quarter northwest quarter southeast quarter; east half southwest quarter northeast quarter; west half southeast quarter northeast quarter; southeast quarter southeast quarter northeast quarter.

Section 29: Southwest quarter; west half west half southeast quarter; southwest quarter northwest quarter; southwest quarter southeast quarter northwest quarter; southwest quarter northwest quarter northwest quarter.

Section 30: East half east half northeast quarter; northeast quarter northeast quarter southeast quarter.

Section 31: West half southeast quarter; south half southeast quarter southeast quarter; northwest quarter southeast quarter southeast quarter; northeast quarter southwest quarter; north half southeast quarter southwest quarter; southeast quarter southeast quarter southwest quarter; lots 2 and 3; north half of lot 4; ten acres, in the form of a square, situated in the southwest corner of lot 1.

Section 32: Southeast quarter; south half northeast quarter; south half northwest quarter northeast quarter; northwest quarter northwest quarter northeast quarter; east half west half; northwest quarter northwest quarter; east half southwest quarter northwest quarter; east half west half southwest quarter; southwest quarter southwest quarter southwest quarter.

Section 33: Southwest quarter southwest quarter; northeast quarter northeast quarter northeast quarter.

Section 34: East half; east half west half; north half northwest quarter northwest quarter.

Section 35: West half southwest quarter; west half east half southwest quarter; southeast quarter southeast quarter southwest quarter; west half southwest quarter northwest quarter; southeast quarter southwest quarter northwest quarter.

Section 36: East half northeast quarter northeast quarter; southwest quarter northeast quarter northeast quarter; southeast quarter northeast quarter; northwest quarter northeast quarter southeast quarter; east half east half southeast quarter.

Township 11 north, range 29 east, Black Hills meridian

Section 23: Southeast quarter southeast quarter southeast quarter.

Section 24: Southwest quarter southwest quarter southwest quarter; east half southwest quarter southeast quarter; southwest quarter southeast quarter southeast quarter.

Section 25: Southwest quarter; south half northwest quarter; northwest quarter northwest quarter; south half northeast quarter northwest quarter; northwest quarter northwest quarter southeast quarter; southwest quarter southeast quarter; west half southeast quarter southeast quarter; southeast quarter southeast quarter southeast quarter.

Section 26: North half northeast quarter southeast quarter; east half east half northeast quarter; southwest quarter southeast quarter northeast quarter.

Section 31: West half southwest quarter southeast quarter; southwest quarter northwest quarter southeast quarter; ten acres, in the form of a square, situated in the southwest corner of lot 1; lot 2 except ten acres, in the form of a square, situated in the northeast corner of said lot 2.

Section 36: East half; east half east half southwest quarter; east half southeast quarter northwest quarter; northeast quarter northwest quarter; north half northwest quarter northwest quarter.

Township 11 north, range 30 east, Black Hills meridian

Section 1: All.

Section 2: South half; southwest quarter northeast quarter; southeast quarter northwest quarter; east half southwest quarter northwest quarter; lots 1, 2, and 5; east half of lot 3.

Section 11: East half east half; east half west half east half; west half southwest quarter northeast quarter; southwest quarter southwest quarter southeast quarter.

Section 12: All.

Section 13: All.

Section 14: East half northeast quarter; northwest quarter northeast quarter; east half southwest quarter northeast quarter; east half northeast quarter northwest quarter; northeast quarter southeast quarter; east half northwest quarter southeast quarter.

Section 23: East half southeast quarter northeast quarter.

Section 24: Northwest quarter; east half southwest quarter; west half southeast quarter; lots 1, 2, 3, and 4.

Section 25: East half southeast quarter; southeast quarter northeast quarter; northwest quarter northeast quarter; north half southwest quarter northeast quarter; southeast quarter southwest quarter northeast quarter; lot 1.

Section 26: Southeast quarter southwest quarter; east half southwest quarter southwest quarter.

Section 29: West half southeast quarter southeast quarter.

Section 31: Lots 2, 3, and 4; lot 1 except ten acres, in the form of a square, situated in the northeast corner of said lot 1.

Section 32: East half northeast quarter; east half southwest quarter northeast quarter; west half east half southeast quarter; east half west half southeast quarter.

Section 35: Southeast quarter; west half northeast quarter; west half southeast quarter northeast quarter; east half northeast quarter southwest quarter; east half southeast quarter northwest quarter; northeast quarter northwest quarter.

Section 36: Southeast quarter; east half east half northeast quarter; west half southwest quarter; south half southeast quarter southwest quarter.

Township 11 north, range 31 east, Black Hills meridian

All.

Township 12 north, range 30, east, Black Hills meridian

Section 1: Northeast quarter southeast quarter; east half southwest quarter southeast quarter; lot 5.

Section 2: Southwest quarter; southwest quarter southeast quarter; west half southeast quarter southeast quarter; southwest quarter northwest quarter southeast quarter; west half southwest quarter northwest quarter; lot 4.

Section 3: All.

Section 4: East half southwest quarter northwest quarter; northwest quarter southeast quarter northwest quarter; lots 1, 2, and 3; east half of lot 4.

Section 10: East half; northeast quarter northeast quarter northwest quarter; southeast quarter southeast quarter northwest quarter.

Section 11: All.

Section 12: All.

Section 13: All.

Section 14: North half; northeast quarter southwest quarter; northeast quarter northwest quarter southwest quarter; west half southeast quarter; lots 1 and 2.

Section 22: South half southwest quarter; southwest quarter southwest quarter southeast quarter.

Section 23: Northwest quarter; northeast quarter southwest quarter; west half east half; southeast quarter southeast quarter; lots 1, 2, and 3.

Section 24: All.

Section 25: All.

Section 26: Southwest quarter; south half northwest quarter; south half northwest quarter northwest quarter; northwest quarter northwest quarter northwest quarter; northeast quarter; west half southeast quarter; lots 1 and 2.

Section 27: East half; east half west half; northwest quarter southwest quarter.

Section 34: Northeast quarter northwest quarter; northwest quarter northwest quarter northeast quarter; northeast quarter northeast quarter northeast quarter.

Section 35: Northwest quarter; west half east half; east half east half southwest quarter; lots 1, 2, 3, and 4.

Section 36: All.

Township 12 north, range 31 east, Black Hills meridian

Section 1: Southwest quarter; west half southeast quarter; southwest quarter northeast quarter; southwest quarter southwest quarter northwest quarter; lots 1, 2, 3, 5, 6, and 7.

Section 2: South half southeast quarter; northeast quarter southeast quarter; south half north half; south half south half southwest quarter; northeast quarter southeast quarter southwest quarter; northwest quarter southwest quarter southwest quarter; southwest quarter northwest quarter southwest quarter; north half northwest quarter southwest quarter; lots 3, 4, 5, and 6.

Section 3: All.

Section 4: All.

Section 5: All.

Section 6: Southeast quarter northeast quarter; northwest quarter southeast quarter; southeast quarter southwest quarter; southwest quarter northwest quarter; lots 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

Section 7: All.

Section 10: All.

Section 11: All.

Section 12: Northwest quarter northeast quarter; northeast quarter northwest quarter; lots 1, 2, 3, 4, and 5.

Township 13 north, range 30 east, Black Hills meridian

Section 1: Lot 1.

Section 31: Southeast quarter northwest quarter northeast quarter; northeast quarter southwest quarter northeast quarter; northwest quarter southeast quarter northeast quarter; south half southeast quarter northeast quarter; north half northeast quarter southeast quarter; southeast quarter northeast quarter southeast quarter.

Section 32: South half; south half south half northwest quarter.

Section 33: West half southeast quarter; southeast quarter southeast quarter; southwest quarter northeast quarter southeast quarter; west half southwest quarter northeast quarter; southwest quarter southwest quarter.

Section 34: Southwest quarter southwest quarter.

Section 36: Southeast quarter; east half southwest quarter; east half west half southwest quarter; southwest quarter northeast quarter; west half southeast quarter northeast quarter.

Township 13 north, range 31 east, Black Hills meridian

Section 3: Southwest quarter northwest quarter; lots 3, 4, and 5.

Section 4: All.

Section 5: South half northeast quarter; east half northeast quarter southeast quarter; lots 1 and 2.

Section 6: North half southeast quarter; north half south half southeast quarter; northeast quarter southeast quarter southwest quarter; southeast quarter northeast quarter southwest quarter; north half south half northwest quarter; lots 3 and 4.

Section 8: Southeast quarter southeast quarter; east half northeast quarter southeast quarter; southeast quarter southwest quarter southeast quarter.

Section 9: Southwest quarter; east half northwest quarter; west half northeast quarter; lot 4.

Section 16: All.

Section 17: Southeast quarter southeast quarter; east half northeast quarter southeast quarter; east half southeast quarter northeast quarter; northeast quarter northeast quarter; east half northwest quarter northeast quarter.

Section 20: East half east half northeast quarter.

Section 21: Northwest quarter; east half southwest quarter; west half west half southeast quarter; lots 2, 4, 6, and 7.

Section 27: All.

Section 28: West half northeast quarter; east half northeast quarter northwest quarter; east half northwest quarter southeast quarter; northeast quarter southeast quarter; north half southeast quarter southeast quarter; southeast quarter southeast quarter southeast quarter; lots 1 and 2.

Section 30: South half southeast quarter southeast quarter.

Section 31: South half; northeast quarter northeast quarter.

Section 32: Southwest quarter; south half northwest quarter; south half northwest quarter northwest quarter; northwest quarter northwest quarter; southwest quarter northeast quarter; northwest quarter southeast quarter; south half southeast quarter; west half northeast quarter southeast quarter; southeast quarter northeast quarter southeast quarter.

Section 33: West half southwest quarter southwest quarter; southeast quarter southwest quarter southwest quarter; southeast quarter; southwest quarter southeast quarter northeast quarter; south half southwest quarter northeast quarter; northwest quarter southwest quarter northeast quarter.

Section 34: Southwest quarter southwest quarter; southwest quarter northwest quarter southwest quarter; north half southeast quarter southeast quarter; southeast quarter southeast quarter southeast quarter; north half northwest quarter southeast quarter; southeast quarter northwest quarter southeast quarter; north half southeast quarter northwest quarter; southeast quarter southeast quarter southwest quarter northwest quarter; north half northwest quarter northwest quarter; southeast quarter northwest quarter northwest quarter; lots 1, 2, and 3.

Section 35: All.

Township 14 north, range 30 east, Black Hills meridian

Section 36: East half southeast quarter; south half southeast quarter northeast quarter; south half northwest quarter southeast quarter; north half southwest quarter southeast quarter; southeast quarter southwest quarter southeast quarter; south half north half southwest quarter; north half southeast quarter southwest quarter; northeast quarter southwest quarter southwest quarter.

Township 14 north, range 31 east, Black Hills meridian

Section 1: All.

Section 2: South half northeast quarter; east half southeast quarter northwest quarter; southwest quarter southeast quarter northwest quarter; south half southwest quarter northwest quarter; north half south half; southwest quarter southwest quarter; west half southeast quarter southwest quarter; northeast quarter southeast quarter southwest quarter; north half southeast quarter southeast quarter southwest quarter; southwest quarter southeast quarter southeast quarter southwest quarter; southwest quarter southeast quarter; lots 1, 2, 5, and 6.

Section 3: South half; south half south half northwest quarter; south half southwest quarter northeast quarter; southeast quarter northeast quarter.

Section 4: South half south half northeast quarter; south half northwest quarter; lots 3 and 4.

Section 5: Lot 1 except the south 20 acres thereof.

Section 10: Northwest quarter; northeast quarter southwest quarter; east half northwest quarter southwest quarter; north half north half southeast quarter.

Section 11: Northwest quarter; east half southwest quarter; north half northwest quarter southwest quarter; southeast quarter northwest quarter southwest quarter; west half southwest quarter northeast quarter; northwest quarter northeast quarter; lots 1, 3, 4, 5 and 6.

Section 14: East half northwest quarter; southwest quarter northwest quarter; west half southwest quarter; lots 1, 2, 3 and 4.

Section 15: East half southeast quarter; east half southwest quarter southeast quarter; southwest quarter southwest quarter southeast quarter; south half southeast quarter southwest quarter.

Section 22: North half northeast quarter; north half northeast quarter northwest quarter.

Section 23: All.

Section 26: All.

Section 27: East half; southeast quarter northwest quarter; south half northeast quarter northwest quarter; east half east half southwest quarter; east half west half east half southwest quarter; southwest quarter southwest quarter southwest quarter.

Section 28: South half southeast quarter.

Section 31: South half southwest quarter; northwest quarter southwest quarter; south half southwest quarter northwest quarter; east half northeast quarter southeast quarter; southeast quarter southeast quarter northeast quarter.

Section 32: North half southwest quarter; south half southwest quarter northwest quarter; west half southeast quarter; southeast quarter southeast quarter.

Section 33: Northeast quarter; east half northwest quarter; north half northwest quarter northwest quarter; south half southeast quarter; southeast quarter southwest quarter; south half southwest quarter southwest quarter.

Section 34: All

Section 35: All.

Township 15 north, range 30 east, Black Hills meridian

Section 1: Lot 1 except the south twenty acres thereof.

Township 15 north, range 31 east, Black Hills meridian

Section 3: Southwest quarter northwest quarter; northwest quarter southwest quarter; southeast quarter southwest quarter; north half southwest quarter southwest quarter; east half southeast quarter southwest quarter southwest quarter; lots 1, 2, 3, 4 and 5.

Section 4: East half southeast quarter northeast quarter; east half west half southeast quarter northeast quarter; east half northeast quarter southeast quarter; northeast quarter northwest quarter northeast quarter southeast quarter; lot 1; lot 2 except the south twenty acres thereof.

Section 6: Lot 1 except the south twenty acres thereof; lot 2 except the south twenty acres thereof; lot 3 except the south twenty acres thereof; lot 4 except the south twenty acres thereof.

Section 10: Northeast quarter northwest quarter; east half east half northwest quarter northwest quarter; east half southwest quarter northeast quarter; northeast quarter northeast quarter southeast quarter; lots 1 and 2.

Section 11: Lots 1, 2, 3 and 4.

Section 13: West half southwest quarter; west half southeast quarter southwest quarter; west half east half southeast quarter southwest quarter; lot 2.

Section 14: Southeast quarter southeast quarter; northwest quarter southwest quarter; north half southwest quarter southwest quarter.

Section 15: North half southeast quarter; north half south half southeast quarter; southeast quarter northeast quarter southwest quarter; northeast quarter southeast quarter southwest quarter.

Section 24: South half southwest quarter.

Section 25: All.

Section 26: North half; east half southeast quarter; northeast quarter southwest quarter southeast quarter; east half northwest quarter southeast quarter; northwest quarter northwest quarter southeast quarter; north half northeast quarter southwest quarter; southwest quarter northeast quarter southwest quarter.

Section 27: South half northeast quarter northeast quarter; north half southeast quarter northeast quarter.

Section 32: South half southeast quarter southeast quarter.

Section 33: South half southwest quarter southwest quarter.

Section 35: East half northeast quarter; southeast quarter; east half southwest quarter; east half southwest quarter southwest quarter; southeast quarter northwest quarter southwest quarter.

Section 36: Northwest quarter; northwest quarter southwest quarter; lots 1, 2, and 3.

Township 16 north, range 28 east, Black Hills meridian

Section 13: South half southwest quarter southeast quarter.

Section 23: Northeast quarter southeast quarter; east half northwest quarter southeast quarter; southeast quarter northeast quarter; south half southwest quarter northeast quarter; south half northeast quarter northeast quarter; northeast quarter southwest quarter northeast quarter.

Section 24: North half northwest quarter; northeast quarter; north half southeast quarter; north half south half southeast quarter; north half southeast quarter southwest quarter; northeast quarter southwest quarter southwest quarter.

Township 16 north, range 29 east, Black Hills meridian

Section 1: Southeast quarter; south half southwest quarter; southwest quarter northwest quarter southwest quarter.

Section 2: South half; south half southwest quarter northeast quarter; south half southeast quarter northwest quarter; southwest quarter northwest quarter; lot 4.

Section 3: South half southeast quarter; south half north half southeast quarter; northeast quarter northeast quarter southeast quarter; east half southeast quarter northeast quarter; east half of lot 1.

Section 7: South half southeast quarter southeast quarter.

Section 8: South half south half southwest quarter.

Section 9: Northeast quarter southeast quarter; northeast quarter northwest quarter southeast quarter.

Section 10: East half.

Section 11: North half; north half south half; southwest quarter southwest quarter.

Section 12: North half; southwest quarter; west half southeast quarter; west half east half southeast quarter; northeast quarter northeast quarter southeast quarter.

Section 13: Northwest quarter northeast quarter; north half southwest quarter northeast quarter; northeast quarter northwest quarter; north half southeast quarter northwest quarter; west half northwest quarter; west half west half southwest quarter; southeast quarter southwest quarter southwest quarter.

Section 14: East half northeast quarter; west half northwest quarter.

Section 15: East half northeast quarter; southwest quarter northeast quarter; southeast quarter northwest quarter; southwest quarter; west half southeast quarter; west half east half southeast quarter.

Section 16: South half north half; west half northwest quarter northwest quarter; southeast quarter northwest quarter northwest quarter; northeast quarter northeast quarter; southeast quarter northwest quarter northeast quarter; north half southwest quarter; east half southwest quarter southwest quarter; east half southeast quarter southwest quarter; southeast quarter.

Section 17: East half northwest quarter; northwest quarter northeast quarter; north half southwest quarter northeast quarter; south half south half northeast quarter; north half northeast quarter southeast quarter; northwest quarter southeast quarter; north half southwest quarter southeast quarter; west half southwest quarter; northeast quarter southwest quarter; north half southeast quarter southwest quarter.

Section 18: East half east half; east half southwest quarter southeast quarter; south half northeast quarter southwest quarter; lot 4.

Section 19: North half northeast quarter; southeast quarter northeast quarter; north half northeast quarter southeast quarter; southeast quarter northeast quarter southeast quarter; northeast quarter southeast quarter southeast quarter; east half northwest quarter; northwest quarter northeast quarter southwest quarter; lots 1, 2 and 3.

Section 20: Northwest quarter; north half northeast quarter; southeast quarter northeast quarter; west half southwest quarter northeast quarter; northwest quarter northwest quarter southeast quarter; north half southwest quarter; north half southwest quarter southwest quarter; southeast quarter southwest quarter southwest quarter.

Section 21: Northeast quarter; northwest quarter southeast quarter; west half northeast quarter southeast quarter.

Section 22: Northwest quarter northwest quarter; northwest quarter northeast quarter northwest quarter; northwest quarter southwest quarter northwest quarter.

Section 24: West half northwest quarter.

Township 16 north, range 30 east, Black Hills meridian

Section 1: Southwest quarter; south half northwest quarter; south half southeast quarter; northwest quarter southeast quarter; southwest quarter northeast quarter southeast quarter; lots 3 and 4; west half of lot 2.

Section 2: All.

Section 3: All.

Section 4: Southeast quarter; south half northeast quarter; south half southwest quarter; south half north half southwest quarter.

Section 5: South half; south half northwest quarter; south half south half northeast quarter; northwest quarter southwest quarter northeast quarter; lot 4; the south twenty acres of lot 3.

Section 6: Southeast quarter; east half southwest quarter; south half northeast quarter; south half southeast quarter northwest quarter; northeast quarter southeast quarter northwest quarter; lots 1, 2, 6 and 7; east half of lot 3; south half of lot 5.

Section 7: Northeast quarter; east half northwest quarter; east half southeast quarter; northwest quarter southeast quarter; east half southwest quarter southeast quarter; northeast quarter southwest quarter; lots 1 and 2; the east twenty acres of lot 3; ten acres, in the form of a square, situated in the northeast corner of lot 4.

Section 8: North half; north half south half; southeast quarter southeast quarter; north half southwest quarter southeast quarter; west half southwest quarter southwest quarter; southeast quarter southwest quarter southwest quarter.

Section 9: All.

Section 10: North half; northeast quarter southeast quarter; northwest quarter southwest quarter; west half northeast quarter southwest quarter.

Section 11: Northeast quarter; northwest quarter southeast quarter; west half northeast quarter southeast quarter; northeast quarter northeast quarter southeast quarter; north half southwest quarter; east half southeast quarter southwest quarter; northwest quarter southeast quarter southwest quarter; west half northwest quarter northwest quarter; northeast quarter northwest quarter northwest quarter; north half southeast quarter northwest quarter northwest quarter; southwest quarter southeast quarter northwest quarter northwest quarter; north half southeast quarter southeast quarter northwest quarter northwest quarter; southwest quarter southeast quarter southeast quarter northwest quarter northwest quarter; east half northeast quarter northwest quarter; northwest quarter northeast quarter northwest quarter; east half southwest quarter northeast quarter northwest quarter; northwest quarter southwest quarter southwest quarter northwest quarter northeast quarter northwest quarter; east half southeast quarter northwest quarter; southwest quarter southeast quarter northwest quarter; east half northwest quarter southeast quarter northwest quarter; southwest quarter northwest quarter northwest quarter southeast quarter northwest quarter; south half southwest quarter northwest quarter.

Section 12: North half; east half southeast quarter; northwest quarter southeast quarter; east half southwest quarter southeast quarter; north half northwest quarter southwest quarter southeast quarter.

Section 13: South half northeast quarter; northeast quarter northeast quarter; east half northwest quarter northeast quarter; south half southeast quarter northwest quarter; southeast quarter southwest quarter northwest quarter; south half.

Section 16: North half northwest quarter; northwest quarter northeast quarter; north half southwest quarter northeast quarter.

Section 17: Northeast quarter northeast quarter; northwest quarter northwest quarter.

Section 18: North half northeast quarter northeast quarter.

Section 24: Northeast quarter northeast quarter northeast quarter.

Township 16 north, range 31 east, Black Hills meridian

Section 1: All.

Section 2: East half southeast quarter; southeast quarter northeast quarter; east half southwest quarter southeast quarter; southeast quarter northwest quarter southeast quarter; lot 1.

Section 6: South half southwest quarter; west half southwest quarter southeast quarter.

Section 7: West half; southeast quarter; south half northeast quarter; northwest quarter northeast quarter; south half northeast quarter northeast quarter.

Section 8: West half southwest quarter southwest quarter.

Section 10: West half southeast quarter; west half east half southeast quarter; southeast quarter southwest quarter; east half southwest quarter southwest quarter; southeast quarter southwest quarter northeast quarter; southwest quarter southeast quarter northeast quarter.

Section 11: Southwest quarter northeast quarter; east half northwest quarter northeast quarter; southeast quarter southeast quarter northwest quarter; east half northeast quarter southwest quarter; southwest quarter northeast quarter southwest quarter; southeast quarter southwest quarter; east half southwest quarter southwest quarter; southwest quarter southwest quarter southwest quarter; lots 1, 2, 3, and 4.

Section 14: All.

Section 15: Northeast quarter; east half east half northwest quarter; north half southeast quarter; southwest quarter southeast quarter; east half southwest quarter; southwest quarter southwest quarter; south half northwest quarter southwest quarter; lot 1.

Section 16: Southwest quarter; west half northwest quarter; southeast quarter northwest quarter; southeast quarter southeast quarter; southwest quarter northeast quarter southeast quarter; southeast quarter southwest quarter southeast quarter.

Section 17: West half southeast quarter; northeast quarter southeast quarter; west half west half; northeast quarter northwest quarter; north half southeast quarter northwest quarter.

Section 18: All.

Section 19: North half; east half southeast quarter; east half west half southeast quarter.

Section 20: West half; northeast quarter; north half southeast quarter; southwest quarter southeast quarter; west half southeast quarter southeast quarter.

Section 21: Northwest quarter; east half east half; east half west half southeast quarter; east half northwest quarter northeast quarter.

Section 22: All.

Section 27: All.

Section 28: All.

Section 29: All.

Section 30: East half east half.

Section 31: Southeast quarter; south half southwest quarter; northeast quarter southwest quarter; south half northwest quarter southwest quarter; northeast quarter northwest quarter southwest quarter; southeast quarter southeast quarter northwest quarter; south half northeast quarter; northeast quarter northeast quarter; east half northwest quarter northeast quarter.

Section 32: North half; north half southwest quarter; southeast quarter southwest quarter; northwest quarter southeast quarter; west half northeast quarter southeast quarter; west half southwest quarter southeast quarter.

Section 33: Southeast quarter; south half northeast quarter; north half northwest quarter; east half southeast quarter northwest quarter; northwest quarter northeast quarter; lot 1.

Section 34: All.

Township 17 north, range 30 east, Black Hills meridian

Section 28: Southeast quarter southwest quarter; east half southwest quarter southwest quarter; southeast quarter northwest quarter southwest quarter; southwest quarter northeast quarter southwest quarter.

Section 31: Ten acres, in the form of a square, situated in the southwest corner of lot 4.

Section 33: East half west half; southwest quarter southwest quarter; east half northwest quarter southwest quarter; east half west half northwest quarter; west half southeast quarter; southeast quarter southeast quarter; south half northeast quarter southeast quarter; northwest quarter northeast quarter southeast quarter; southwest quarter northeast quarter; southwest quarter northwest quarter northeast quarter; southwest quarter southeast quarter northeast quarter.

Section 34: Southwest quarter southwest quarter; southwest quarter northwest quarter southwest quarter; south half southeast quarter southwest quarter; south half southwest quarter southeast quarter; northeast quarter southwest quarter southeast quarter; west half southeast quarter southeast quarter.

Township 17 north, range 31 east, Black Hills meridian

Section 6: North half southwest quarter; southeast quarter northwest quarter; southwest quarter northeast quarter; lot 7.

Section 7: Southeast quarter; southeast quarter northeast quarter; east half southwest quarter northeast quarter; northeast quarter southwest quarter; northeast quarter southeast quarter southwest quarter.

Section 8: Lots 2, 3 and 4.

Section 17: Southwest quarter northwest quarter; north half southwest quarter; north half southeast quarter southwest quarter; northeast quarter southwest quarter southwest quarter; north half southwest quarter southeast quarter; southeast quarter southwest quarter southeast quarter; lots 1, 2, 3 and 4.

Section 18: North half northeast quarter; northeast quarter southeast quarter northeast quarter; northwest quarter southwest quarter northeast quarter; east half northeast quarter northwest quarter; northeast quarter southeast quarter northwest quarter.

Section 20: North half northeast quarter northeast quarter; southeast quarter northeast quarter northeast quarter.

Section 21: Southeast quarter southwest quarter; southwest quarter northwest quarter; north half northwest quarter southwest quarter; lots 1, 2, 3 and 4.

Section 27: All.

Section 28: East half southeast quarter; east half northwest quarter southeast quarter; northwest quarter northeast quarter; north half southwest quarter northeast quarter; southeast quarter southwest quarter northeast quarter; northeast quarter northwest quarter; northeast quarter southeast quarter northwest quarter; lots 1 and 2.

Section 33: Northeast quarter northeast quarter; southeast quarter northwest quarter northeast quarter; southeast quarter northwest quarter; east half southwest quarter northwest quarter; northeast quarter southwest quarter; northeast quarter northwest quarter southwest quarter; northeast quarter southeast quarter southwest quarter.

Township 119 north, range 78 west, fifth principal meridian

Section 5: Lot 6.

Township 120 north, range 78 west, fifth principal meridian

Section 29: Lots 5, 6, and 7.

Section 32: Lots 5 and 6.

Township 123 north, range 78 west, fifth principal meridian

Section 30: Lots 5 and 6.

Township 123 north, range 79 west, fifth principal meridian

Section 24: Lot 4.

Section 25: Lot 1.

An unsurveyed island in the Missouri River situated opposite sections 3 and 4 of township 9 north, range 29 east, Black Hills meridian.

An unsurveyed island in the Missouri River, situated opposite sections 2, 3, and 4 of township 9 north, range 29 east of the Black Hills meridian, also sections 21, 22, and 23 of township 115 north, range 81 west of the fifth principal meridian.

An unsurveyed island in the Missouri River, situated opposite sections 1 and 2 of township 9 north, range 29 east, Black Hills meridian.

An unsurveyed island in the Missouri River, situated opposite sections 1 and 2 of township 9 north, range 29 east of the Black Hills meridian, also sections 23 and 24 of township 115 north, range 81 west and section 19 of township 115 north, range 80 west of the fifth principal meridian.

An unsurveyed island in the Missouri River, situated opposite sections 14, 15, 16, and 21 of township 10 north, range 28 east of the Black Hills meridian, also sections 33, 34, and 35 of township 116 north, range 82 west of the fifth principal meridian.

An unsurveyed island in the Missouri River, situated opposite sections 19, 29, 30, and 32 of township 10 north, range 29 east of the Black Hills meridian, also section 1 of township 115 north, range 82 west of the fifth principal meridian.

An unsurveyed island in the Missouri River, situated within section 12, township 12 north, range 30 east, Black Hills meridian, between Lafferty Island, a surveyed island, and the right bank of said Missouri River.

An unsurveyed island in the Missouri River, situated opposite sections 12, 13, 14, and 23 of township 12 north, range 30 east of the Black Hills meridian, also sections 29, 30, and 31 of township 118 north, range 79 west of the fifth principal meridian.

An unsurveyed island in the Missouri River, situated opposite sections 22, 27, 28, and 33 of township 16 north, range 31 east of the

Black Hills meridian, also sections 5, 6, and 7 of township 121 north, range 78 west of the fifth principal meridian.

An unsurveyed island in the Missouri River, situated opposite sections 14, 15, and 22 of township 16 north, range 31 east of the Black Hills meridian, also section 5 of township 121 north, range 78 west and sections 28, 32, and 33 of township 122 north, range 78 west of the fifth principal meridian.

The following described land is described in the foregoing reservation description, but is owned by Indian fee patents to individual Indians:

Township 9 north, range 24 east, Black Hills meridian

Section 13: West half northwest quarter; northwest quarter southwest quarter; lots 6, 7, and 9.

Section 14: East half southeast quarter.

Township 10 north, range 28 east, Black Hills meridian

Section 10: South half southwest quarter.

Section 15: Lots 2 and 3.

Township 12 north, range 30 east, Black Hills meridian

Section 11: South half south half.

Section 12: South half south half southwest quarter southwest quarter; lots 3, 5, and 6.

Section 13: Lots 1 and 2.

Section 14: North half; east half northwest quarter southeast quarter; northeast quarter southwest quarter southeast quarter; lot 1; the north six hundred and sixty feet of lot 2.

Township 14 north, range 31 east, Black Hills meridian

Section 11: Lot 4.

Township 15 north, range 31 east, Black Hills meridian

Section 3: Southwest quarter northwest quarter; lots 1, 2, and 3.

Section 13: West half east half southeast quarter southwest quarter.

Township 16 north, range 29 east, Black Hills meridian

Section 17: North half northeast quarter southeast quarter; east half northwest quarter; north half northeast quarter southwest quarter; northwest quarter northeast quarter; north half southwest quarter northeast quarter; southwest quarter southwest quarter northeast quarter; northwest quarter northwest quarter southeast quarter.

Section 18: East half southwest quarter southeast quarter.

Section 19: Northeast quarter northeast quarter.

Section 20: North half southwest quarter; north half southwest quarter southwest quarter; southeast quarter southwest quarter southwest quarter.

Township 16 north, range 30 east, Black Hills meridian

Section 7: East half east half.

Section 8: North half south half northwest quarter.

Section 11: East half east half northeast quarter; northeast quarter northeast quarter southeast quarter; east half southeast quarter southwest quarter.

Section 12: West half northwest quarter.

Township 16 north, range 31 east, Black Hills meridian

Section 28: Northwest quarter; west half northeast quarter; lots 1 and 2.

Approved September 3, 1954.

Public Law 777

CHAPTER 1261

AN ACT

September 3, 1954
[H. R. 9580]

To revise and extend the laws relating to espionage and sabotage, and for other purposes.

Espionage and
Sabotage Act of
1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections, may be cited as the "Espionage and Sabotage Act of 1954".

TITLE I—WAR AND DEFENSE MATERIALS, PREMISES AND UTILITIES

62 Stat. 798.

SEC. 101. Section 2151 of title 18, United States Code, is amended to read as follows:

“§ 2151. Definitions.

“As used in this chapter:

“The words ‘war material’ include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all articles, parts or ingredients, intended for, adapted to, or suitable for the use of the United States or any associate nation, in connection with the conduct of war or defense activities.

“The words ‘war premises’ include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States, or any associate nation.

“The words ‘war utilities’ include all railroads, railways, electric lines, roads of whatever description, any railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which air, water or gas is being furnished, or may be furnished, to any war premises or to the Armed Forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures, and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any war premises or to the Armed Forces of the United States, or any associate nation.

"The words 'associate nation' mean any nation at war with any nation with which the United States is at war.

"The words 'national-defense material' include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, unloading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient thereof.

"The words 'national-defense premises' include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States.

"The words 'national-defense utilities' include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures, and buildings, whereby or in connection with which air, water, or gas may be furnished to any national-defense premises or to the Armed Forces of the United States, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any national-defense premises or to the Armed Forces of the United States."

SEC. 102. Section 2153 of title 18, United States Code, is amended to read as follows:

62 Stat. 799.

"§ 2153. Destruction of war material, war premises, or war utilities.

"(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any war material, war premises, or war utilities, shall be fined not more than \$10,000 or imprisoned not more than thirty years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

62 Stat. 799.

SEC. 103. Section 2154 of title 18, United States Code, is amended to read as follows:

“§ 2154. Production of defective war material, war premises, or war utilities.

“(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully makes, constructs, or causes to be made or constructed in a defective manner, or attempts to make, construct, or cause to be made or constructed in a defective manner any war material, war premises or war utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, war premises or war utilities, shall be fined not more than \$10,000 or imprisoned not more than thirty years, or both.

“(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section.”

62 Stat. 799.

SEC. 104. Section 2155 of title 18, United States Code, is amended to read as follows:

“§ 2155. Destruction of national-defense materials, national-defense premises or national-defense utilities.

“(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any national-defense material, national-defense premises, or national-defense utilities, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section.”

62 Stat. 800.

SEC. 105. Section 2156 of title 18, United States Code, is amended to read as follows:

“§ 2156. Production of defective national-defense material, national-defense premises or national-defense utilities.

“(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully makes, constructs, or attempts to make or construct in a defective manner, any national-defense material, national-defense premises or national-defense utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, national-defense premises or national-defense utilities, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section.”

SEC. 106. The analysis immediately preceding section 2151 of title 18, United States Code, is amended to read as follows:

"Sec.

2151. Definitions.

2152. Fortifications, harbor defenses or defensive sea areas.

2153. Destruction of war material, war premises or war utilities.

2154. Production of defective war material, war premises or war utilities.

2155. Destruction of national-defense materials, national-defense premises or national-defense utilities.

2156. Production of defective national-defense material, national-defense premises or national-defense utilities."

TITLE II—DISCLOSURE OF INFORMATION RELATING TO NATIONAL DEFENSE

SEC. 201. Section 794 of title 18, United States Code, is amended to read as follows:

62 Stat. 737.

"(a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by death or by imprisonment for any term of years or for life.

"(b) Whoever, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for any term of years or for life.

"(c) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy."

Approved September 3, 1954.

Public Law 778

CHAPTER 1262

AN ACT

Making appropriations for Mutual Security for the fiscal year ending June 30, 1955, and for other purposes.

September 3, 1954
[H. R. 10051]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1955, namely:

Mutual Security
Appropriation Act,
1955.

MUTUAL SECURITY

Ante, p. 832. For expenses necessary to enable the President to carry out the provisions of the Mutual Security Act of 1954, Public Law , approved 1954 (H. R. 9678), as follows:

Ante, p. 833. Military assistance: For military assistance as authorized by title I, chapter 1, \$1,192,700,000 plus unobligated balances, as follows: For general military assistance authorized by section 103, \$1,092,700,000 plus not to exceed \$2,383,512,729 of unobligated balances; for infrastructure authorized by section 104 (a), \$100,000,000, plus not to exceed \$39,000,000 of unobligated balances: *Provided*, That such unobligated balances shall be derived from balances of appropriations heretofore made for military assistance (Europe; Near East and Africa; Asia and the Pacific; American Republics; and mutual special weapons planning): *Provided further*, That not to exceed \$23,250,000 of such funds shall be available for administrative expenses to carry out the purposes of title I, chapter 1 until June 30, 1955: *Provided further*, That the military supplies and equipment (or the equivalent value thereof as the Secretary of Defense shall determine but not to exceed \$200,000,000 in inventory value) which have been procured and processed for delivery to foreign areas and which subsequently are returned to the custody of the United States because of a change in the international situation, shall remain available for military assistance authorized by law, and such amounts shall be in addition to the amounts herein otherwise provided for: *Provided further*, That this limitation on military supplies and equipment shall not apply to capital ships for which title has passed but which have been reclaimed by the Navy Department;

Ante, p. 837. Southeast Asia and the Western Pacific: For assistance authorized by section 121, \$700,000,000: *Provided*, That none of the funds appropriated in this paragraph may be used for assistance to any nation which in the opinion of the President is not making satisfactory efforts against Communist penetration and/or aggression;

Ante, p. 837. Production for forces support: For assistance authorized by section 122, \$35,000,000, all of which shall be in the form of United States surplus agricultural commodities;

Ante, p. 838. Common-use items: For assistance authorized by section 123, \$60,000,000;

Ante, p. 838. Defense support, Europe: For assistance authorized by section 131 (b) (1), \$45,000,000;

Ante, p. 843. Special assistance in joint control areas in Europe, as authorized by section 403, \$25,000,000;

Defense support, Near East, Africa and South Asia: For assistance authorized by section 131 (b) (2), \$73,000,000;

Defense support, Far East and the Pacific: For assistance authorized by section 131 (b) (3), \$80,098,195;

Ante, p. 838. Korean program: For assistance authorized by section 132 (except subsection (c)), \$205,000,000 and in addition, unobligated balances of the appropriation under the head "Civilian Relief in Korea" in the Department of Defense Appropriation Act, 1954, are continued available for the purposes of section 132 (a) through June 30, 1955, and are hereby consolidated with this appropriation;

Contributions to United Nations Korean Reconstruction Agency: For making contributions authorized by section 132 (c), \$3,000,000, and in addition, not to exceed \$16,000,000 of the unobligated balances of funds heretofore made available under this head;

Ante, p. 840. Development assistance, Near East and Africa: For assistance authorized by section 201 (a) (1), \$115,000,000;

Development assistance, South Asia: For assistance authorized by section 201 (a) (2), \$60,500,000;

Development assistance, American Republics and non-self-governing territories of the Western Hemisphere: For assistance authorized by section 201 (a) (3), \$9,000,000;

Technical cooperation, general authorization: For assistance authorized by section 304, \$105,000,000;

Ante, p. 842.

Contributions to the United Nations expanded program of technical assistance: For contributions to cover the amount pledged by the United States for conducting the program during the calendar year 1954, \$9,957,621: *Provided*, That no commitment for the calendar year 1955 or thereafter shall be pledged on behalf of the United States until the Congress appropriates for said purpose;

Contributions for programs of the Organization of American States: For contributions authorized by section 306 (b), \$1,500,000;

Ante, p. 842.

Contributions to the Intergovernmental Committee for European Migration: For contributions authorized by section 405 (a), \$10,000,000, and in addition, not to exceed \$500,000 of the unobligated balance heretofore appropriated for "Movement of Migrants": *Provided*, That no funds appropriated in this Act shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against communist infiltration in the Western Hemisphere;

Ante, p. 844.

Contributions to the United Nations children's fund: For contributions authorized by section 406, \$12,500,000 which shall constitute the total United States contribution through June 30, 1955;

Contributions to the United Nations Relief and Works Agency: Not to exceed \$23,063,250 of the unobligated balances of funds appropriated under the head "Palestine Refugee Program" in the Mutual Security Appropriation Act, 1954, are continued available through June 30, 1955, for the purposes authorized by section 407;

67 Stat. 479.

Contributions to the North Atlantic Treaty Organization: For payments authorized by section 408, \$1,169,000;

Ante, p. 845.

Ocean freight charges: For payments authorized by section 409, \$4,400,000;

Control Act expenses: For carrying out the purposes of the Mutual Defense Assistance Control Act of 1951, as authorized by section 410, \$1,175,000;

65 Stat. 644.
22 USC 1611.

Administrative expenses: For expenses authorized by section 411, \$32,500,000.

Funds appropriated under each paragraph of this Act (other than appropriations under the head of military assistance), including specified amounts of unobligated balances, and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made for the same general purpose as such paragraph, which amounts are hereby continued available during fiscal year 1955, may be consolidated in one account for each paragraph: *Provided*, That any apparent recorded obligation outstanding on June 30, 1954, against any such appropriations which is not eligible for certification under the terms of section 1311 of the Supplemental Appropriation Act, 1955, may be corrected and certified under section 1311 as an obligation if approved by the Director of the Foreign Operations Administration and the Director of the Budget not later than February 1, 1955.

Ante, p. 830.

GENERAL PROVISIONS

SEC. 102. Appropriations in this Act for the purposes of chapters 2 and 3 of title I and titles II, III, and IV of the Mutual Security Act

Ante, pp. 837,
838, 840, 841, 843.

of 1954, and allocations to the Foreign Operations Administration, from any other appropriations shall be available for rents in the District of Columbia; expenses of attendance at meetings concerned with the purposes of such appropriations, including (notwithstanding the provision of section 9 of the Act of March 4, 1909 (31 U. S. C. 673)), expenses in connection with meetings of persons whose employment is authorized by section 530 of the Mutual Security Act of 1954; employment of aliens, by contract, for services abroad; maintenance, operation, and hire of aircraft; hire of passenger motor vehicles and, in addition, passenger motor vehicles abroad may be exchanged or sold and replaced by an equal number of such vehicles and the cost, including the exchange allowance, of each such replacement shall not exceed \$3,000 in the case of an automobile for the chief of any special mission or staff abroad established under section 526, and \$1,400 in the case of all other such passenger vehicles except station wagons; transportation of privately owned automobiles; entertainment within the United States (not to exceed \$15,000); exchange of funds without regard to section 3651 of the Revised Statutes (31 U. S. C. 543); loss by exchange; expenditures (not to exceed \$50,000) of a confidential character other than entertainment, provided that a certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the Director or Deputy Director of the Foreign Operations Administration, and every such certificate shall be deemed a sufficient voucher for the amount therein specified; insurance of official motor vehicles in foreign countries; rental of quarters outside the continental limits of the United States to house employees of the United States Government (without regard to section 322 of the Act of June 30, 1932, as amended (40 U. S. C. 278a)), lease, necessary repairs and alterations to quarters; actual expenses of preparing and transporting to their former homes in the United States or elsewhere the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities under the Mutual Security Act of 1954 or other Act administered by the Foreign Operations Administration; purchase of uniforms; employment of chauffeurs for passenger carrying vehicles abroad notwithstanding the provisions of any other law; medical examinations of dependents of overseas personnel or candidates for overseas positions on the same basis as for employees or candidates; payment of per diem in lieu of subsistence to persons participating in any program of furnishing technical information and assistance, while in countries other than their own and other than the continental United States, at rates not in excess of those prescribed by the Standardized Government Travel Regulations, notwithstanding section 107 of the Department of State Appropriation Act, 1955; expenses authorized by the Foreign Service Act of 1946, as amended (22 U. S. C. 801-1158), not otherwise provided for; ice and drinking water for use abroad; and services of commissioned officers of the Public Health Service and of the Coast and Geodetic Survey, and for the purposes of providing such services the Public Health Service may appoint not to exceed twenty officers in the Regular Corps to grades above that of senior assistant, but not above that of director, as otherwise authorized in accordance with section 711 of the Act of July 1, 1944, as amended (42 U. S. C. 211a), and the Coast and Geodetic Survey may appoint for such purposes not to exceed twenty commissioned officers in addition to those otherwise authorized: *Provided*, That no part of the administrative expenses shall be used to pay the salary of any civilian employee at a rate greater than that paid by the State Department for comparable work or services in the same area:

35 Stat. 1027.

Ante, p. 859.

Ante, p. 857.

47 Stat. 412.

Ante, p. 832.

Ante, p. 418.

60 Stat. 999.

62 Stat. 47.

Provided further, That none of the funds provided herein shall be used to pay any employee a basic salary of \$12,000 or more per annum, except that this prohibition shall not apply to two-thirds of the number of employees being paid at the basic salary of \$12,000 or more per annum on June 30, 1953, and except that this prohibition shall not apply to employees receiving salaries in excess of \$12,000 as the result of general pay raise legislation enacted during the fiscal year 1955, nor to not to exceed six employees assigned to the administration or implementation of the program authorized by section 132 of the Mutual Security Act of 1954: *Provided further*, That appropriations made under this Act shall be available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the current fiscal year, and cost of transporting to and from a place of storage, and the cost of storing, the furniture and household and personal effects of an employee of the Foreign Operations Administration who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Director of the Foreign Operations Administration may prescribe: *Provided further*, That no part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in excess of an average of five thousand pounds net but not exceeding nine thousand pounds net in any one shipment, but the limitations imposed herein shall not be applicable in the case of employees transferred to or serving in stations outside the continental United States under orders relieving them from a duty station within the United States prior to August 1, 1953.

SEC. 103. Payments made from funds appropriated herein for engineering fees and services to any individual engineering firm on any one project in excess of \$25,000 shall be reported to the Committees on Appropriations of the Senate and House of Representatives at least twice annually.

SEC. 104. Pursuant to section 1415 of the Supplemental Appropriation Act, 1953, and in addition to other amounts made available pursuant to said section, not to exceed the equivalent of \$25,000,000 of foreign currencies or credits owed to or owned by the United States shall remain available until expended, without reimbursement to the Treasury, for liquidation of obligations incurred against such currencies or credits prior to July 1, 1953, pursuant to authority contained in the Mutual Security Act of 1951, as amended, and Acts for which funds were authorized by that Act and hereafter, foreign currencies generated under the provisions of this Act shall be utilized only for the purposes for which the funds providing the commodities which generated the currency were appropriated (except as specifically provided in section 109 of this Act): *Provided*, That the proviso in section 502 (b) of the Mutual Security Act of 1954 is amended as follows: (1) Strike out "Committee on Rules and Administration of the Senate" and insert "Committee on Appropriations of the Senate".

SEC. 105. None of the funds provided by this Act nor any of the counterpart funds generated as a result of assistance under this or any other Act shall be used to make payments on account of the principal or interest on any debt of any foreign government or on any loan made to such government by any other foreign government; nor

Salary prohibition.

Ante, p. 838.

Travel expenses.

Engineering fees; report to Congress.

66 Stat. 662.
31 USC 724.

65 Stat. 373.
22 USC 1651
note.

Ante, p. 850.

Foreign debts, restriction.

European Pay-
ments Union.

Transportation
on U. S. flag ves-
sels.

Procurement out-
side U. S.

Restriction on
obligations.

Surplus agricul-
tural commodities.

Ante, p. 843.

Funds allocated
to Defense De-
partment.
Accounting, etc.

shall any of these funds be expended for any purpose for which funds have been withdrawn by any recipient country to make payment on such debts: *Provided*, That none of the funds herein appropriated shall be used to make up any deficit to the European Payments Union for any nation of which a dependent area fails to comply with any treaty to which the United States and such dependent area are parties and said failure to comply has been adjudicated adversely to said nation in any court of competent jurisdiction nor shall any of the counterpart funds generated as a result of assistance under this Act be made available to such nation.

SEC. 106. The Director shall, in providing for the procurement of commodities under authority of this Act, take such steps as may be necessary to assure, so far as is practicable, that at least 50 per centum of the gross tonnage of commodities, procured within the United States out of funds made available under this Act and transported abroad on ocean vessels, is so transported on United States flag vessels to the extent such vessels are available at market rates.

SEC. 107. Funds made available pursuant to this Act may not be used for the procurement of equipment or materials outside the United States unless the President or an official of Cabinet rank designated by him determines that such procurement will not result in one or more of the following conditions:

(1) Adverse effects upon the economy of the United States, with special reference to any areas of labor surplus, or upon the industrial mobilization base, which outweigh the strategic and logistic advantages to the United States of procurement abroad;

(2) Production of such equipment or materials outside the United States under inadequate safeguards against sabotage or the release to potential enemies of information detrimental to the security of the United States;

(3) Unjustifiable cost in comparison with procurement in the United States; and

(4) Delays in delivery incompatible with United States defense objectives.

SEC. 108. Not more than 25 per centum of any funds made available by this Act shall be obligated during the last two months of the fiscal year.

SEC. 109. \$55,000,000 of the unobligated balances continued available under this Act shall be available only for the procurement and sale, in accordance with provisions of section 402 of the Mutual Security Act of 1954, of surplus agricultural commodities as assistance to Spain during the current fiscal year: *Provided*, That 80 per centum of the foreign currencies generated hereunder shall be used to strengthen and improve the civilian economy of Spain, the balance to be available for use of the United States: *Provided, however*, That this provision shall not be construed as a precedent or as an abrogation of any agreement heretofore entered into.

SEC. 110. Funds heretofore or hereafter allocated to the Department of Defense from any appropriation for military assistance (except funds obligated directly against any such appropriation for off-shore procurement or other purposes) shall be accounted for by geographic area and by country solely on the basis of the value of materials delivered and services performed (such value to be determined in accordance with the applicable provisions of law governing the administration of military assistance). Within the limits of amounts available from funds so allocated, the Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursement from such allocations, and no funds so allocated and available shall be withdrawn by administrative action

until the Secretary of Defense shall certify that they are not required for liquidation of obligations so incurred. Unobligated amounts of such allocations equal to the value of orders placed with the military departments against such allocations during the current fiscal year shall be reserved and shall remain available until June 30, 1957, for making such reimbursements (except in case of funds obligated directly against such allocations) only upon the basis of materials delivered and services rendered: *Provided*, That reports of items to be delivered against funds reserved as provided herein shall be furnished quarterly by the Secretary of Defense to the Committees on Appropriations of the Senate and the House of Representatives and, not less often than once each quarter beginning with the period ending December 31, 1954, said Secretary shall make a detailed report to the Committees on Appropriations of the Senate and the House of Representatives, on a delivery or service-rendered basis, on all military assistance funds allocated and available to the Department of Defense as of the end of the preceding quarter: *Provided further*, That no reimbursements for materials or services shall be made after June 30, 1955, until the value of materials delivered and services performed shall equal the amount of expenditures made from all appropriations herein and heretofore made for military assistance as of said date: *Provided further*, That in the event the President shall determine that supplies and equipment ordered against funds so allocated are required for the defense of the United States, the amount allocated for supplies and materials required for such purpose shall be returned to the appropriation from which allocated: *Provided further*, That funds appropriated in this Act for military assistance (including specified amounts of unobligated balances), and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made for such purposes, shall be maintained in one account which shall be used for all transactions involving military assistance during the current fiscal year, and no expenditures shall be made from such account except as may be within the limits of the sum of the amounts mentioned in this proviso: *Provided further*, That any apparent recorded obligation exceeding \$5,000,000, outstanding on June 30, 1954, which is not eligible for certification under the terms of section 1311 of the Supplemental Appropriation Act, 1955, may be corrected and certified under section 1311 as an obligation if approved by the Secretary of Defense and the Director of the Budget not later than February 1, 1955: *Provided further*, That nothing in this Act shall be construed as making any appropriation or fund available for obligation after June 30, 1955, except as may be necessary for reimbursements authorized herein or as authorized by the Mutual Security Act of 1954.

Reports to Congress.

Restriction on reimbursements.

Ante, p. 830.

Ante, p. 832.

Availability of funds, etc.

Ante, p. 448.

Ante, p. 849.

Strikes or overthrow of Government.

SEC. 111. The appropriations, authorizations, and authority with respect thereto in this Act shall be available from July 1, 1954, for the purposes provided in such appropriations, authorizations, and authority. All obligations incurred during the period between June 30, 1954, and the date of enactment of this Act in anticipation of such appropriations, authorizations, and authority are hereby ratified and confirmed if in accordance with the terms hereof and the terms of Public Law 475, Eighty-third Congress.

SEC. 112. Not to exceed \$30,000 of the funds appropriated in this Act shall be used to carry out the purposes of section 416 of the Mutual Security Act of 1954.

SEC. 113. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right

Affidavit. to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this paragraph engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence:

Penalty. *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this or any other Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Short title. This Act may be cited as the "Mutual Security Appropriation Act, 1955".

Approved September 3, 1954.

Public Law 779

CHAPTER 1263

AN ACT

September 3, 1954
[H. R. 9730]

To amend various statutes and certain titles of the United States Code, for the purpose of correcting obsolete references, and for other purposes.

Corrections of
statutes, etc.
61 Stat. 637.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of section 201 of Title 1, United States Code, entitled "General Provisions", is amended by striking out "Secretary of State," appearing at the end of such paragraph, and in lieu thereof inserting "Administrator of General Services", so that such paragraph will read as follows:

"(a) Publishing in Slip or Pamphlet Form or in Statutes at Large

Publication in slip or pamphlet form or in the Statutes at Large of any of the volumes or publications enumerated in sections 202 and 203 of this title, shall, in event of enactment, be dispensed with whenever the Committee on the Judiciary of the House of Representatives so directs the Administrator of General Services;"

61 Stat. 639.

SEC. 2. Section 209 of Title 1, United States Code, is amended by striking out, at the end thereof, "Secretary of State", and in lieu thereof inserting "Administrator of General Services", so that such section will read as follows:

"§ 209. Copies of Supplements to Code of Laws of United States and of District of Columbia Code and Supplements; Conclusive Evidence of Original

"Copies of the Code of Laws relating to the District of Columbia and copies of the supplements provided for by sections 202 and 203 of this title printed at the Government Printing Office and bearing its

imprint, shall be conclusive evidence of the original of such code and supplements in the custody of the Administrator of General Services.”.

SEC. 3. Section 18 of Title 3, United States Code, entitled “The President”, is amended by striking out “subchapter” in the one place where it appears therein, and in lieu thereof inserting “chapter”, so that such section will read as follows:

62 Stat. 676.

“§ 18. Same; Parliamentary Procedure at Joint Meeting

“While the two Houses shall be in meeting as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.”.

SEC. 4. Subsection (b) of section 107 of Title 4, United States Code, entitled “Flag and Seal, Seat of Government, and the States”, is amended by striking out, at the end thereof, the words “Army or Navy personnel, under regulations promulgated by the Secretary of War or the Secretary of the Navy”, and in lieu thereof inserting “personnel of any branch of the Armed Forces of the United States, under regulations promulgated by the departmental Secretary having jurisdiction over such branch”, so that such subsection will read as follows:

61 Stat. 645.
State taxes.
Commissary purchasers, etc.

“(b) A person shall be deemed to be an authorized purchaser under this section only with respect to purchases which he is permitted to make from commissaries, ship’s stores, or voluntary unincorporated organizations of personnel of any branch of the Armed Forces of the United States, under regulations promulgated by the departmental Secretary having jurisdiction over such branch.”.

SEC. 5. The paragraph in the Department of Agriculture Appropriation Act for the fiscal year ending June 30, 1920 (July 24, 1919, ch. 26, 41 Stat. 234), which commences near the bottom of page 270 of volume 41 of the Statutes at Large, and ends on page 271 thereof (5 U. S. C., secs. 67, 564), is amended (1) by striking out, after “shall not be subject to”, the reference “the proviso contained in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Thirty-ninth Statutes at Large, at page 1106”, and in lieu thereof inserting “the provisions of section 1914 of Title 18, United States Code”; and (2) by striking out, at the end of such paragraph, the words “the said proviso”, and in lieu thereof inserting “such section”, so that such paragraph will read as follows:

Agriculture Department employees.

62 Stat. 793.

“The officials and the employees of the Department of Agriculture engaged in the activities described in the preceding paragraph and paid in whole or in part out of funds contributed as provided therein, and the persons, corporations, or associations making contributions as therein provided, shall not be subject to the provisions of section 1914 of Title 18, United States Code; nor shall any official or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to such section.”.

SEC. 6. The paragraph in section 1 of the Sundry Civil Expenses Appropriation Act for the fiscal year ending June 30, 1922 (March 4, 1921, ch. 161, 41 Stat. 1367), which constitutes the second paragraph on page 1424 of volume 41 of the Statutes at Large (5 U. S. C., sec. 68), is amended (1) by striking out, after “Nothing in” at the beginning of such paragraph, the reference “the proviso contained in the Legislative, Executive, and Judicial Appropriation Act of March 3, 1917”, and in lieu thereof inserting “section 1914 of Title 18, United States Code”; and (2) by striking out, at the end of such paragraph,

the quoted appropriation item "Expenses of regulating immigration", and in lieu thereof inserting "Immigration and Naturalization Service—Salaries and Expenses", so that such paragraph will read as follows:

Reimbursement
for inspecting
aliens.

"Nothing in section 1914 of Title 18, United States Code, relative to augmenting salaries of Government officials from outside sources shall prevent receiving reimbursements for services of immigration officials incident to the inspection of aliens in foreign contiguous territory, and such reimbursement shall be credited to the appropriation, 'Immigration and Naturalization Service—Salaries and Expenses'."

SEC. 7. Section 3 of the Act approved June 20, 1874 (ch. 328, 18 Stat. 109; 5 U. S. C., sec. 71) is amended by striking out ": *Provided*, That this shall not be construed to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees", so that such section will read as follows:

Extra compensa-
tion, etc.

"SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the treasury or property of the United States beyond his salary or compensation allowed by law."

SEC. 8. Section 303 of the Act approved July 26, 1947, chapter 343, Title III, 61 Stat. 507, as amended by section 10 (c) of the Act approved August 10, 1949, chapter 412, 63 Stat. 585 (5 U. S. C., sec. 171j; 50 U. S. C., sec. 405), is further amended (1) by striking out, in subsection (a) thereof, the words "the Chairman of the National Security Resources Board", and in lieu thereof inserting "the Director of the Office of Defense Mobilization"; and (2) by striking out, in subsection (b) thereof, the reference "109 or 113 of the Criminal Code (U. S. C., 1940 edition, Title 18, secs. 198 and 203), or section 19 (e) of the Contract Settlement Act of 1944", and in lieu thereof inserting "281, 283, or 284 of Title 18, United States Code", so that such section will read as follows:

Advisory com-
mittees, appoint-
ments, etc.

"SEC. 303. (a) The Secretary of Defense, the Director of the Office of Defense Mobilization, the Director of Central Intelligence, and the National Security Council, acting through its Executive Secretary, are authorized to appoint such advisory committees and to employ, consistent with other provisions of this Act, such part-time advisory personnel as they may deem necessary in carrying out their respective functions and the functions of agencies under their control. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed \$50 for each day of service, as determined by the appointing authority.

"(b) Service of an individual as a member of any such advisory committee, or in any other part-time capacity for a department or agency hereunder, shall not be considered as service bringing such individual within the provisions of section 281, 283, or 284 of Title 18, United States Code, unless the act of such individual, which by such section is made unlawful when performed by an individual referred to in such section, is with respect to any particular matter which directly involves a department or agency which such person is advising or in which such department or agency is directly interested."

SEC. 9. Subsection (c) of section 2 of the Act approved March 3, 1927 (ch. 348, 44 Stat. 1381, at page 1382; 5 U. S. C., sec. 281a (c)) is amended (1) by striking out, preceding "Bureau of Customs", the words "Bureau of Prohibition shall perform such duties as the Sec-

retary of the Treasury or the Commissioner of Prohibition may prescribe, and the personnel of the"; (2) by striking out, after "such duties", the following; "(other than duties in connection with the administration of the National Prohibition Act, as amended, or any other law relating to the enforcement of the eighteenth amendment);"; and (3) by striking out, preceding "may prescribe" at the end of such subsection, the words "or the Commissioner of Customs", so that such subsection will read as follows:

"(c) The personnel of the Bureau of Customs shall perform such duties as the Secretary of the Treasury may prescribe."

Bureau of Customs personnel.

SEC. 10. Section 3 (a) of the Act approved March 3, 1927 (ch. 348, 44 Stat. 1382) is hereby repealed.

Repeal.

SEC. 11. Section 361 of the Revised Statutes (5 U. S. C., sec. 306) is amended by striking out, at the end of such section, the words "in the cases provided by section three hundred and sixty-three", and in lieu thereof inserting "in cases of services performed by attorneys appointed under section 503 of Title 28, United States Code, for whom compensation is provided under section 508 of that title", so that such section will read as follows:

"SEC. 361. The officers of the Department of Justice, under the direction of the Attorney-General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of Departments, and the heads of Bureaus and other officers in the Departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in cases of services performed by attorneys appointed under section 503 of title 28, United States Code, for whom compensation is provided under section 508 of that title."

Legal services for Departments.

SEC. 12. Section 4 of the Act approved August 1, 1946 (ch. 727, 60 Stat. 779, 780; 5 U. S. C., sec. 475c) is amended by striking out, in the proviso of such section, "sections 41, 109, and 113 of the Criminal Code (U. S. C., Title 18, secs. 93, 198, and 203); Revised Statutes, section 190 (U. S. C., title 5, sec. 99); in section 19 (e) of the Contract Settlement Act of 1944 (Public Law 395, Seventy-eighth Congress);"; and in lieu thereof inserting "section 281, 283, 284, or 434 of Title 18, United States Code, or section 190 of the Revised Statutes (5 U. S. C., sec. 99).", so that such section will read as follows:

"SEC. 4. The Secretary of the Navy is hereby authorized to establish a Naval Research Advisory Committee which shall consist of not exceeding fifteen persons to be appointed by the Secretary from those persons in civilian life who are preeminent in the fields of science, research, and development work. One member of such committee will be from the field of medicine. The members of such committee shall serve for such term or terms as the Secretary may specify, and shall meet at such times as may be specified by the Secretary to consult with and advise the Chief of Naval Operations and the Chief of the Office of Naval Research. Each member of the committee shall be entitled to compensation in the amount of \$50 for each day or part of a day he shall be in attendance at any regularly called meeting of the committee, together with reimbursement for all travel expenses incident to such attendance: *Provided*, That nothing in section 281, 283, 284, or 434 of Title 18, United States Code, or section 190 of the Revised

Naval Research Advisory Committee.

Statutes (5 U. S. C., sec. 99), or in any other provision of Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim proceeding, or matter involving the United States, shall apply to such persons solely by reason of their appointment to and membership on such committee."

SEC. 13. (a) Section 1 of the Act approved July 31, 1946, chapter 714, 60 Stat. 749, as amended by the Act approved June 28, 1948, ch. 694, 62 Stat. 1068, and the Act approved April 29, 1950, ch. 136, section 1, 64 Stat. 93 (5 U. S. C., sec. 645a), is amended by striking out, after "determined by the" in paragraph (1) of subsection (a) of such section, the reference "Classification Act of 1923, as amended, an Act entitled 'An Act to adjust the compensation of certain employees in the Customs Service', approved May 29, 1928, as amended, or the second paragraph of section 24 of the Immigration Act of 1917, as amended", and in lieu thereof inserting "Classification Act of 1949, as amended", so that such section will read as follows:

"That (a) any person—

"(1) whose name appeared on any list of eligibles either (A) at any time between May 1, 1940, and March 16, 1942, with respect to a position the rate of compensation of which is determined by the Classification Act of 1949, as amended, or (B) at any time between May 1, 1940, and October 23, 1943, with respect to a position in the field service of the Post Office Department, or (C) at any time between May 1, 1940, and the effective date of this Act, with respect to positions of officers and members of the Metropolitan Police or of the Fire Department of the District of Columbia, and officers and members of the United States Park Police and the White House Police; and

"(2) who, pursuant to Executive Order Numbered 9538, dated April 13, 1945, or regulations of the Civil Service Commission covering similar situations in which an eligible lost opportunity for probational appointment because of military service during World War II, was certified for probational appointment to such position, and, subsequently, was given such appointment,

"shall, for the purpose of (A) determining his rate of compensation and (B) his seniority rights in the postal field service, be held to have been appointed to such position as of the earliest date on which an eligible standing lower on the same list of eligibles received a probational appointment therefrom: *Provided*, That the grade, time in grade, and rate of compensation of any person so appointed to a position in the postal field service shall, at the time this Act first applies to such person, be not less than the grade, time in grade, and rate of compensation of the lower eligible (whether a substitute or regular employee) receiving the highest automatic rate of compensation at such time, but such adjustment in grade, time in grade, and rate of compensation shall not affect the status of such person as a substitute or regular employee: *Provided, however*, That no regular employee in the postal field service shall be reduced to substitute status by reason of the enactment of this Act.

Reenlistments.

"(b) No person shall be entitled to the benefits of this section who has reenlisted after June 1, 1945, in the Regular Military Establishment or after February 1, 1945, in the Regular Naval Establishment.

Disability.

"(c) Any person within the terms of this section, who, due to a disability incurred because of military service in World War II, is unable to perform the duties of the position designated by him at the time of taking the examination for appointment thereto, may upon written request at any time have his name entered upon any list of eligibles for any position for which a like examination is required

Civil Service.
Postal field
service employ-
ees.

and such entry shall be made without any loss of seniority or other rights of eligibility conferred by this section: *Provided however*, That this Act shall not be construed to extend the period of eligibility which such person would have otherwise had.”.

(b) Sections 1, 2, 3, and 4 of the Act approved May 29, 1928 (ch. 865, 45 Stat. 955), as amended by the Act approved December 12, 1930 (ch. 10, 46 Stat. 1026, 1027) (19 U. S. C., former secs. 6a–6d), are hereby repealed.

Repeals.

SEC. 14. Subsection (d) of section 705 of the Act approved July 1, 1944 (ch. 373, title VII, 58 Stat. 713), as so renumbered by section 5 of the Act approved August 13, 1946 (ch. 958, 60 Stat. 1049) (5 U. S. C., sec. 800), is amended (1) by striking out the second sentence thereof reading: “Such beneficiaries, in addition to the right to receive six months’ pay, shall have the same right of election and of revising elections as is provided by subsection (c) of this section, except that in case of a revised election no deduction shall be made on account of such six months’ pay.”; and (2) by inserting, immediately preceding “Service” in the first sentence thereof, the words “Public Health”, so that such subsection will read as follows:

“(d) In the case of death of a commissioned officer of the Public Health Service which occurred after December 7, 1941, and prior to November 11, 1943, the rights provided to surviving beneficiaries by section 10 of the Public Health Service Act of 1943 shall continue notwithstanding the repeal of that Act.”.

PHS.
Rights of certain
beneficiaries.

57 Stat. 589.
5 USC 800 note.

Official bonds.

SEC. 15. Section 3 of Title 6, United States Code, entitled “Official and Penal Bonds”, is amended (1) by striking out, preceding “19” in the third sentence, the word “title”, and in lieu thereof inserting “Title”; (2) by striking out, preceding “shall be construed” in the fifth sentence, the words “said sections”, and in lieu thereof inserting “sections 1 to 3 of this title”; (3) by striking out, preceding “39” in the fifth sentence, the word “title”, and in lieu thereof inserting “Title”; and (4) by inserting, after “Marine Corps,” in the proviso in the fifth sentence, the reference “Air Force,” so that such section will read as follows:

“§ 3. Renewal; Continuance of Liability

Every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deem such action necessary. In the discretion of such officer the requirement of a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year term of service pending the appointment and qualification of his successor. The nonperformance of any requirement of the provisions of sections 1 to 3 of this title, or of that part of section 27 of Title 19 relating to transmitting copies of oaths to the Secretary of the Treasury, on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States. The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. Nothing in sections 1 to 3 of this title shall be construed to repeal or modify section 38 of Title 39: *Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees, officers and employees of other civilian agencies of the United States and bonded officers and enlisted men of the Army, Navy, Marine Corps, Air Force, and Coast Guard shall be a compliance with the requirement for the renewal of such bonds within the meaning of sections 1 to 3 of this title.”.

SEC. 16. Section 4 of the Act approved March 3, 1905 (ch. 1501, 33 Stat. 1270; 7 U. S. C., sec. 144) is amended to read as follows:

Insect pests,
transportation.

"SEC. 4. Whoever violates the provisions of section 1 of this Act shall, for each offense, be fined not more than \$5,000 or imprisoned not more than 5 years, or both."

Supervision of
deportable alien.

SEC. 17. Subsection (d) of section 242 of the Act of June 27, 1952 (ch. 477, Title II, chapter 5, 66 Stat. 208 (211); 8 U. S. C., sec. 1252 (d)) is amended by striking out, after "activity," in the third sentence thereof, the words "shall upon conviction be guilty of a felony, and shall be fined not more than \$1,000 or shall be", and in lieu thereof inserting "shall be fined not more than \$1,000 or", so that such subsection will read as follows:

Violation by
alien.

"(d) Any alien, against whom a final order of deportation as defined in subsection (c) heretofore or hereafter issued has been outstanding for more than six months, shall, pending eventual deportation, be subject to supervision under regulations prescribed by the Attorney General. Such regulations shall include provisions which will require any alien subject to supervision (1) to appear from time to time before an immigration officer for identification; (2) to submit, if necessary, to medical and psychiatric examination at the expense of the United States; (3) to give information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper; and (4) to conform to such reasonable written restrictions on his conduct or activities as are prescribed by the Attorney General in his case. Any alien who shall willfully fail to comply with such regulations, or willfully fail to appear or to give information or submit to medical or psychiatric examination if required, or knowingly give false information in relation to the requirements of such regulations, or knowingly violate a reasonable restriction imposed upon his conduct or activity, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Revocation of
naturalization.

SEC. 18. Subsection (a) of section 340 of the Act of June 27, 1952 (ch. 477, Title III, chapter 2, 66 Stat. 260; 8 U. S. C., sec. 1451 (a)) is amended by striking out, in the first phrase of the first sentence thereof, the term "United States district attorneys", and in lieu thereof inserting "United States attorneys", so that such subsection will read as follows:

Refusal to test-
ify.

"(a) It shall be the duty of the United States attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court specified in subsection (a) of section 310 of this title in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: *Provided*, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does

not reside in any judicial district in the United States at the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence.”.

SEC. 19. Section 4 of Title 9, United States Code, entitled “Arbitration”, is amended (1) by striking out, in the first sentence, “court of the United States” and in lieu thereof inserting “United States district court”; (2) by striking out, in the first sentence, “the judicial code at law, in equity,”, and in lieu thereof inserting “Title 28, in a civil action”; (3) by striking out, in the third sentence, “law for the service of summons in the jurisdiction in which the proceeding is brought”, and in lieu thereof inserting “the Federal Rules of Civil Procedure”; and (4) by striking out, in the eighth sentence, “law for referring to a jury issues in an equity action”, and in lieu thereof inserting “the Federal Rules of Civil Procedure”. so that such section, exclusive of the section heading thereto, will read as follows:

“A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any United States district court which, save for such agreement, would have jurisdiction under Title 28, in a civil action or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days’ notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by the Federal Rules of Civil Procedure. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. The hearing and proceedings, under such agreement, shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by the Federal Rules of Civil Procedure, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.”.

Failure to arbitrate under agreements.

SEC. 20. The last paragraph, under the heading “MISCELLANEOUS”, in the Act approved July 16, 1892 (ch. 195, 27 Stat. 174), appearing at page 177 of volume 27 of the Statutes at Large, and as amended by the Act approved July 10, 1952 (ch. 654, 66 Stat. 575; 10 U. S. C., sec. 877; 14 U. S. C., sec. 461 note; 34 U. S. C., sec. 890), is amended by striking out, after “Air Force,” the following: “Marine Corps, and Coast Guard”, and in lieu thereof inserting “and Marine Corps”, so that such paragraph will read as follows:

Indebtedness to U. S., withholding of pay.

"The pay of officers of the Army, Navy, Air Force, and Marine Corps may be withheld under section 1766, Revised Statutes, on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary of the Department concerned."

SEC. 21. Paragraph (d) of section 5144 of the Revised Statutes, as amended (12 U. S. C., sec. 61 (d)), is amended by striking out the reference "5209 of the Revised Statutes, as amended (U. S. C., title 12, sec. 592)", and in lieu thereof inserting "1005 of title 18, United States Code", so that such paragraph will read as follows:

False entries,
penalties.

"(d) Every officer, director, agent, and employee of every such holding company affiliate shall be subject to the same penalties for false entries in any book, report, or statement of such holding company affiliate as are applicable to officers, directors, agents, and employees of member banks under section 1005 of Title 18, United States Code; and".

SEC. 22. Section 2 of the Act approved June 30, 1876 (ch. 156, 19 Stat. 63; 12 U. S. C., sec. 65) is amended (1) by striking out, after "such association", the words ", by bill in equity, in the nature of a creditor's bill," and in lieu thereof inserting "by a civil action"; and (2) by striking out, after "shareholders thereof," the words "in any court of the United States having original jurisdiction in equity", and in lieu thereof inserting "in the United States district court", so that such section will read as follows:

Shareholder's
liability, enforce-
ment.

"SEC. 2. That when any national banking association shall have gone into liquidation under the provisions of section five thousand two hundred and twenty of said statutes, the individual liability of the shareholders provided for by section fifty-one hundred and fifty-one of said statutes may be enforced by any creditor of such association by a civil action brought by such creditor on behalf of himself and of all other creditors of the association, against the shareholders thereof, in the United States district court for the district in which such association may have been located or established."

SEC. 23. Section 209 of the Act approved March 9, 1933 (ch. 1, Title II, 48 Stat. 5; 12 U. S. C., sec. 209) is amended (1) by striking out the reference "section 5209 of the Revised Statutes (U. S. C., Title 12, sec. 592)", and in lieu thereof inserting "sections 334, 656, and 1005 of Title 18, United States Code"; and (2) by striking out the reference "112, 113, 114, 115, 116 and 117 of the Criminal Code of the United States (U. S. C., Title 18, secs. 202, 203, 204, 205, 206 and 207)", and in lieu thereof inserting "202, 216, 281, 431, 432, and 433 of such Title 18" so that such section will read as follows:

Conservators.

"SEC. 209. Conservators appointed pursuant to the provisions of this title shall be subject to the provisions of and to the penalties prescribed by sections 334, 656, and 1005 of Title 18, United States Code; and sections 202, 216, 281, 431, 432, and 433 of such Title 18, in so far as applicable, are extended to apply to contracts, agreements, proceedings, dealings, claims and controversies by or with any such conservator or the Comptroller of the Currency under the provisions of this title."

"State bank."

SEC. 24. Section 1 of the Act approved August 17, 1950 (ch. 729, 64 Stat. 455; 12 U. S. C., sec. 214) is amended (1) by striking out, in subsection (a) of such section, the words "this Act", and in lieu thereof inserting "sections 1-4 and 8 of this Act (12 U. S. C., secs. 214-214c, 321)"; and (2) by striking out, in subsection (b) of such section, the words "this Act", and in lieu thereof inserting "sections 1-4 and 8 of this Act (12 U. S. C., secs. 214-214c, 321)", so that such section will read as follows:

"SECTION 1. (a) As used in sections 1-4 and 8 of this Act (12 U. S. C., secs. 214-214c, 321) the term 'State bank' means any bank, banking association, trust company, savings bank (other than a mutual savings bank), or other banking institution which is engaged in the business of receiving deposits and which is incorporated under the laws of any State, any Territory of the United States, Puerto Rico, or the Virgin Islands, or which is operating under the Code of Law for the District of Columbia (except a national banking association).

"(b) For purposes of merger or consolidation under sections 1-4 and 8 of this Act (12 U. S. C., secs. 214-214c, 321) the term 'national banking association' means one or more national banking associations, and the term 'State bank' means one or more State banks."

"National banking association."

SEC. 25. Section 4 of the Act approved August 17, 1950 (ch. 729, 64 Stat. 456, 457; 12 U. S. C., sec. 214c), as amended by Act July 12, 1952, ch. 696, 66 Stat. 590, is amended by striking out, in the two places where they appear in such section, the words "this Act", and in lieu thereof inserting "sections 1-4 and 8 of this Act (12 U. S. C., secs. 214-214c, 321)", so that such section will read as follows:

"SEC. 4. No conversion of a national banking association into a State bank or its merger or consolidation with a State bank shall take place under sections 1-4 and 8 of this Act (12 U. S. C., sec. 214-214c, 321) in contravention of the law of the State in which the national banking association is located: and no such conversion, merger, or consolidation shall take place under sections 1-4 and 8 of this Act unless under the law of the State in which such national banking association is located State banks may without approval by any State authority convert into and merge or consolidate with national banking associations under limitations or conditions no more restrictive than those contained in section 2 hereof with respect to the conversion of a national bank into, or merger or consolidation of a national bank with, a State bank under State charter."

Conversion in contravention of State law.

SEC. 26. Section 10 of the Act approved June 11, 1942 (ch. 404, 56 Stat. 356; 12 U. S. C., sec. 265) is amended by striking out, at the end thereof, the reference "the Act of August 23, 1935 (49 Stat. 684)", as amended (U. S. C., sec. 264)", and in lieu thereof inserting "section 3 of the Federal Deposit Insurance Act, as amended (12 U. S. C., sec. 1813)", so that such section will read as follows:

"SEC. 10. All insured banks designated for that purpose by the Secretary of the Treasury shall be depositaries of public money of the United States (including, without being limited to, revenues and funds of the United States, and any funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees, and Postal Savings funds), and the Secretary is hereby authorized to deposit public money in such depositaries, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require of the insured banks thus designated satisfactory security by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of public money deposited with them and for the faithful performance of their duties as financial agents of the Government: *Provided*, That no such security shall be required for the safekeeping and prompt payment of such parts of the deposits of the public money in such banks as are insured deposits and each officer, employee, or agent of the United States having official custody of public funds and lawfully depositing the same in an insured bank shall, for the purpose of determining the amount of the insured

Insured banks as depositaries of public money.

deposits, be deemed a depositor in such custodial capacity separate and distinct from any other officer, employee, or agent of the United States having official custody of public funds and lawfully depositing the same in the same insured bank in custodial capacity. Notwithstanding any other provision of law, no department, board, agency, instrumentality, officer, employee, or agent of the United States shall issue or permit to continue in effect any regulations, rulings, or instructions or enter into or approve any contracts or perform any other acts having to do with the deposit, disbursement, or expenditure of public funds, or the deposit, custody, or advance of funds subject to the control of the United States as trustee or otherwise which shall discriminate against or prefer national banking associations, State banks members of the Federal Reserve System, or insured banks not members of the Federal Reserve System, by class, or which shall require those enjoying the benefits, directly or indirectly, of disbursed public funds so to discriminate. All Acts or parts thereof in conflict herewith are hereby repealed. The terms 'insured bank' and 'insured deposit' as used in this Act shall be construed according to the definitions of such terms in section 3 of the Federal Deposit Insurance Act, as amended (12 U. S. C., sec. 1813)."

SEC. 27. The sixth paragraph of section 9 of the Federal Reserve Act as amended (12 U. S. C., 324), is amended by striking out, in the second sentence of such paragraph, the reference "section fifty-two hundred and nine of the Revised Statutes", and in lieu thereof inserting "sections 334, 656, and 1005 of Title 18, United States Code", so that such paragraph will read as follows:

Laws applicable
on becoming mem-
bers.

"All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this Act and to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by sections 334, 656, and 1005 of Title 18, United States Code, and shall be required to make reports of condition and of the payment of dividends to the Federal Reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal Reserve bank on dates to be fixed by the Board of Governors of the Federal Reserve System. Failure to make such reports within ten days after the date they are called for shall subject the offending bank to a penalty of \$100 a day for each day that it fails to transmit such report; such penalty to be collected by the Federal Reserve bank by suit or otherwise. Such reports of condition shall be in such form and shall contain such information as the Board of Governors of the Federal Reserve System may require and shall be published by the reporting banks in such manner and in accordance with such regulations as the said Board may prescribe."

SEC. 28. Subsection (f) of section 22 of the Federal Reserve Act, as amended (12 U. S. C., 503), is amended by inserting, after "thereof," where it appears in such subsection, the words "or any of the provisions of sections 217, 218, 219, 220, 655, 1005, 1014, 1906, or 1909 of Title 18, United States Code," so that such subsection will read as follows:

Liability of di-
rectors and offi-
cers of member
banks.

"(f) If the directors or officers of any member bank shall knowingly violate or permit any of the agents, officers, or directors of any member bank to violate any of the provisions of this section or regulations of the board made under authority thereof, or any of the

provisions of sections 217, 218, 219, 220, 655, 1005, 1014, 1906, or 1909 of Title 18, United States Code, every director and officer participating in or assenting to such violation shall be held liable in his personal and individual capacity for all damages which the member bank, its shareholders, or any other persons shall have sustained in consequence of such violation."

SEC. 29. Section 11 of the Act approved July 31, 1945 (ch. 341, 59 Stat. 529; 12 U. S. C., sec 635h) is amended by striking out, after "provisions of", the reference "the Act of April 13, 1934 (48 Stat., Ch. 112, p. 574)", and in lieu thereof inserting "section 955 of Title 18, United States Code", so that such section will read as follows:

Export-Import
Bank, participa-
tion with, etc.

"SEC. 11. Notwithstanding the provisions of section 955 of Title 18, United States Code, any person, including any individual, partnership, corporation, or association, may act for or participate with the Export-Import Bank of Washington in any operation or transaction, or may acquire any obligation issued in connection with any operation or transaction, engaged in by the Bank."

SEC. 30. Section 81 of Title 14, United States Code, entitled "Coast Guard", as amended by the Act approved June 22, 1951 (ch. 150, 65 Stat. 89), is amended by striking out, after "within the" in paragraph (2) of such section, the designation "National Military Establishment", and in lieu thereof inserting "Department of Defense", so that such section will read as follows:

Coast Guard.

§ 81. Aids to Navigation Authorized

"In order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard may establish, maintain, and operate:

"(1) aids to maritime navigation required to serve the needs of the armed forces or of the commerce of the United States;

"(2) aids to air navigation required to serve the needs of the armed forces of the United States as requested by the Secretary of the appropriate department within the Department of Defense; and

"(3) Loran stations (a) required to serve the needs of the armed forces of the United States; or (b) required to serve the needs of the maritime commerce of the United States; or (c) required to serve the needs of the air commerce of the United States as determined by the Administrator of Civil Aeronautics.

"Such aids to navigation other than loran stations shall be established and operated only within the United States, its Territories and possessions, the Trust Territory of the Pacific Islands, and beyond the territorial jurisdiction of the United States at places where naval or military bases of the United States are or may be located, and at other places where such aids to navigation have been established prior to June 26, 1948."

SEC. 31. Section 82 of Title 14, United States Code, is amended by striking out, in the fourth sentence thereof, the reference "sections 175 (f) or 451-458 of Title 49", and in lieu thereof inserting "section 175 (e) of Title 49 or subchapter III of chapter 9 of that title", so that such section will read as follows:

63 Stat. 500.

§ 82. Cooperation With Administrator of Civil Aeronautics

"The Coast Guard in establishing, maintaining, or operating any aids to air navigation herein provided shall solicit the cooperation of the Administrator of Civil Aeronautics to the end that the personnel and facilities of the Civil Aeronautics Administration will be

utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this title shall be deemed to limit the authority granted by the provisions of section 458 of Title 5, or by section 475 (e) of Title 49 or subchapter III of chapter 9 of that title.”.

63 Stat. 509.

SEC. 32. Section 186 of Title 14, United States Code, is amended (1) by striking out, in the first sentence of such section, the reference “Classification Act of 1923”, and in lieu thereof inserting “Classification Act of 1949”; and (2) by striking out, in the second sentence thereof, the reference “sections 29a, 30b–30m, 84, 663, 667, 672a–673, and Chapter 18”, and in lieu thereof inserting “section 84, chapter 18, subchapter IV of chapter 21, sections 1112, 1113, and 1121–1125, and chapter 23”, so that such section will read as follows:

“§ 186. Civilian Instructors

“The Secretary may appoint in the Coast Guard, subject to the competitive provisions of the civil-service laws and regulations, such number of civilian instructors as the needs of the Service require, not to exceed eight, whose compensation shall be fixed in accordance with the Classification Act of 1949, as amended. Leaves of absence and hours of work for such civilian instructors shall be governed by regulations issued by the Secretary of the Treasury, without regard to section 84, chapter 18, subchapter IV of chapter 21, sections 1112, 1113, and 1121–1125, and chapter 23, of Title 5.”.

SEC. 33. (a) The analysis of chapter 13 of Title 14, United States Code, preceding section 461 of such title, is amended by adding, immediately preceding the period at the end of item 461 in such analysis, the following: “; pay of officers indebted to United States”, so that such item will read as follows: “461. Pay and allowances; pay of officers indebted to United States.”.

63 Stat. 530.

(b) Section 461 of Title 14, United States Code, is amended (1) by adding, at the end of the catchline of such section, the following: “; pay of officers indebted to United States”; (2) by inserting the subsection symbol “(a)” at the beginning of the present paragraph in such section; and (3) by adding to such section the following new subsection: “(b) The pay of officers of the Coast Guard may be withheld under section 82 of Title 5 on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary.”, so that such section will read as follows:

“§ 461. Pay and Allowances; Pay of Officers Indebted to United States

“(a) Commissioned officers, commissioned warrant officers, cadets, warrant officers, and enlisted persons shall, except as otherwise provided by law, receive the same pay, allowances, increases, additions, and gratuities as prescribed by corresponding ranks, grades, or ratings for personnel of the Navy, including any extra pay and allowances for special duty.

“(b) The pay of officers of the Coast Guard may be withheld under section 82 of Title 5 on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary.”.

SEC. 34. Subsection (a) of section 645 of Title 14, United States Code, is amended by striking out "chapter 20" in the first sentence of such subsection, and in lieu thereof inserting "sections 1346 (b) and 2401 (b), and chapter 171," so that such subsection will read as follows:

"(a) The Secretary and, subject to appeal to the Secretary, such other officer as he may designate for such purposes and under regulations prescribed by him, may consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of \$1,000, where accepted by a claimant in full satisfaction and final settlement, any claim against the United States arising on or after May 27, 1941, when such claim is substantiated in such a manner as the Secretary may by regulations prescribe, for damage to or loss or destruction of property, real or personal, or for personal injury or death, caused by military personnel or civilian employees of the Coast Guard while acting within the scope of their employment (excluding claims cognizable under sections 1346 (b) and 2401 (b), and chapter 171, of Title 28), or otherwise incident to noncombat activities of the Coast Guard, including claims for damage to or loss or destruction by criminal acts of registered or insured mail while in the possession of Coast Guard authorities, claims for damage to or loss or destruction of personal property bailed to the Government, and claims for damages to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise. The provisions of this section shall not apply to claims for personal injury or death of military personnel or civilian employees of the Coast Guard if such injury or death occurs incident to their services. The provisions of this section shall not apply where the damage to or loss or destruction of property, or the personal injury or death, has been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee. The amount allowed on account of personal injury or death shall be limited to reasonable medical, hospital, and burial expenses actually incurred, except that no payment shall be made to any claimant in reimbursement for medical or hospital services furnished at the expense of the United States nor, in the case of burial, of such portion of the expense thereof as may be otherwise paid by the United States."

63 Stat. 547.

Claims settle-
ment.62 Stat. 933,
971, 982.

SEC. 35. The analysis of chapter 229 of Title 18, United States Code, as amended by the Act approved October 24, 1951 (ch. 546, sec. 1, 65 Stat. 609), is amended by inserting, following and underneath item 3619 in such analysis, and preceding section 3611 of such title, the following item: "3620. Vessels carrying explosives and steerage passengers."

SEC. 36. Title 18, United States Code, is amended by inserting, immediately following section 3619 of such title, and preceding chapter 231 thereof, the following new section:

"§ 3620. Vessels Carrying Explosives and Steerage Passengers

"The amount of any fine imposed upon the master of a steamship or other vessel under the provisions of section 2278 of this title shall be a lien upon such vessel, and such vessel may be libeled therefor in the district court of the United States for any district in which such vessel shall arrive or from which it shall depart."

62 Stat. 805.

SEC. 37. Section 307 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046; 21 U. S. C., sec. 337) is amended by striking out the words "Notwithstanding the provisions of section 876 of the Revised Statutes, subpenas", in the second sentence of such section, and in lieu thereof inserting "Subpoenas", so that such section will read as follows:

Food, drug, and
cosmetic regula-
tions.
Subpoenas.

"SEC. 307. All such proceedings for the enforcement, or to restrain violations, of this Act shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding."

62 Stat. 898.
Court of Claims.

SEC. 38. The analysis of chapter 7 of Title 28, United States Code, immediately preceding section 171 of such title, is amended by adding, immediately preceding the period at the end of item 171 in such analysis, the following: "; character of court", so that such item will read as follows: "171. Appointment and number of judges; character of court."

SEC. 39. (a) The catchline to section 171 of Title 28, United States Code, is amended by adding at the end thereof the following: "; character of court", so that such catchline will read as follows: "§ 171. Appointment and number of judges; character of court".

62 Stat. 900.

(b) Subsection (c) of section 291 of Title 28, United States Code, is amended by striking all of the subsections following "may," and in lieu thereof inserting "upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any circuit judge to serve as a judge of the Court of Claims," so that the subsection will read as follows:

"(c) The Chief Justice of the United States may, upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any circuit judge to serve as a judge of the Court of Claims".

67 Stat. 226.

(c) Subsection (d) of section 292 of Title 28, United States Code, is amended by striking all of the subsection following the word "may" and in lieu thereof inserting "upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any district judge to serve as a judge of the Court of Claims", so that the subsection will read as follows:

"(d) The Chief Justice of the United States may upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any district judge to serve as a judge of the Court of Claims."

62 Stat. 901.

(d) Section 295 of Title 28, United States Code, is amended by inserting "of a circuit or district judge in active service" immediately after "assignment" and by striking out "a" and inserting "the" so that such section will read:

"§ 295. Conditions Upon Designation and Assignment

"No designation and assignment of a circuit or district judge in active service shall be made without the consent of the chief judge or judicial council of the circuit from which the judge is to be designated and assigned.

"All designations and assignments of justices and judges shall be filed with the clerks and entered on the minutes of the courts from and to which made.

"The Chief Justice of the United States, a circuit justice or a chief judge of a circuit may make new designation and assignments in accordance with the provisions of this chapter and may revoke those previously made by him."

62 Stat. 923.

SEC. 40. The analysis of chapter 51 of Title 28, United States Code, immediately preceding section 791 of such title, is amended by striking out the item "793. Reporter-commissioners; stenographers", now appearing in such analysis.

Commissioners.

SEC. 41. (a) Subsection (a) of section 792 of Title 28, United States Code, is amended (1) by striking out where it appears in such subsection "United States"; and (2) by striking out the period at the end

of such subsection and in lieu thereof inserting "and shall devote all of their time to the duties of the office.", so that such subsection will read as follows:

"(a) The Court of Claims may appoint fifteen commissioners who shall be subject to removal by the court and shall devote all of their time to the duties of the office."

(b) Subsection (b) of section 792 of Title 28, United States Code, is amended (1) by striking out where it appears in such subsection "a salary of \$7,500 a year"; and in lieu thereof inserting "basic compensation at the rate of \$14,800 a year"; (2) by striking out where it appears in such subsection "all necessary traveling expenses, and also his reasonable maintenance expenses actually incurred, not exceeding \$7 per day, while taking testimony or transacting other official business at a place other than Washington." and in lieu thereof inserting "also all necessary traveling expenses and a per diem allowance as provided in sections 835-842 of Title 5, while traveling on official business and away from Washington, District of Columbia", so that such subsection will read as follows:

"(b) Each commissioner shall receive basic compensation at the rate of \$14,800 a year, and also all necessary traveling expenses and a per diem allowance as provided in sections 835-842 of Title 5 while traveling on official business and away from Washington, District of Columbia."

(c) Subsection (c) of section 792 of Title 28, United States Code, is repealed.

(d) The concluding paragraph of section 792 of Title 28, United States Code, providing "Each commissioner shall devote all of his time to the duties of his office." is repealed.

SEC. 42. Section 1343 of Title 28, United States Code, is amended by striking out, in the two places where it appears in such section, the reference "47 of Title 8", and in lieu thereof inserting "1985 of Title 42".

62 Stat. 932.

SEC. 43. The analysis of chapter 91 of Title 28, United States Code, immediately preceding section 1491 of such title, is amended (1) by adding, immediately preceding the period at the end of item 1491 in such analysis, the following: "; actions involving Tennessee Valley Authority", so that such item will read as follows: "1491. Claims against United States generally; actions involving Tennessee Valley Authority."; and (2) by striking out the item "1493. Departmental reference cases.", now appearing in such analysis.

62 Stat. 940.

SEC. 44. (a) The catchline to section 1491 of Title 28, United States Code, is amended by adding at the end thereof the following: "; actions involving Tennessee Valley Authority", so that such catchline will read as follows: "§ 1491. Claims against United States generally; actions involving Tennessee Valley Authority".

(b) Section 1491 of Title 28, United States Code, is amended by striking out where it appears in such section the following: "The United States Court of Claims shall have jurisdiction to render judgment upon any claim against the United States:

"(1) founded upon the Constitution; or

"(2) founded upon any Act of Congress; or

"(3) founded upon any regulation of an executive department;

or

"(4) founded upon any express or implied contract with the United States; or

"(5) for liquidated or unliquidated damages in cases not sounding in tort.",

and in lieu thereof inserting "The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States

founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.”, so that such section will read as follows:

“The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

TVA.

“Nothing herein shall be construed to give the Court of Claims jurisdiction in suits against, or founded on actions of, the Tennessee Valley Authority, nor to amend or modify the provisions of the Tennessee Valley Authority Act of 1933, as amended, with respect to suits by or against the Authority.”

48 Stat. 58.
16 USC 831.

(c) Section 1494 of Title 28, United States Code, is amended by striking out “United States Court of Claims” and inserting in lieu thereof “Court of Claims” so that such section will read:

“§ 1494. Accounts of Officers, Agents or Contractors

“The Court of Claims shall have jurisdiction to determine the amount, if any, due to or from the United States by reason of any unsettled account of any officer or agent of, or contractor with, the United States, or a guarantor, surety or personal representative of any such officer, agent or contractor, and to render judgment thereof where—

“(1) claimant or the person he represents has applied to the proper department of the Government for settlement of the account;

“(2) three years have elapsed from the date of such application without settlement; and

“(3) no suit upon the same has been brought by the United States.”

SEC. 45. Section 1821 of Title 28, United States Code, as amended by the Act approved May 10, 1949 (ch. 96, 63 Stat. 65), the Act approved May 24, 1949 (ch. 139, sec. 94, 63 Stat. 103), and the Act approved Oct. 31, 1951 (ch. 655, sec. 51 (a), 65 Stat. 727), is amended by striking out, in the first sentence thereof, the words “or before a United States commissioner or person taking his deposition pursuant to any order of a court of the United States,” and in lieu thereof inserting “, or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States,” so that such section will read as follows:

“§ 1821. Per Diem and Mileage Generally; Subsistence

“A witness attending in any court of the United States, or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States, shall receive \$4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 7 cents per mile for going from and returning to his place of residence. Witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residences as to prohibit return there-to from day to day shall be entitled to an additional allowance of \$5 per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance: *Provided*, That in lieu of the mileage allowance provided for herein,

witnesses who are required to travel between the Territories, possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first-class rate available at the time of reservation for passage, by means of transportation employed: *Provided further*, That this section shall not apply to Alaska.

"When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of \$1 per day."

SEC. 46. The analysis of chapter 165 of Title 28, United States Code, immediately preceding section 2501 of such title, is amended by striking out of item 2510, in such analysis, the words "Departmental reference cases", and in lieu thereof inserting "Referral of cases by Comptroller General", so that such item will read as follows: "2510. Referral of cases by Comptroller General."

62 Stat. 975.

SEC. 47. (a) The first paragraph of section 2508 of Title 28, United States Code is amended by striking out "United States Court of Claims" and inserting in lieu thereof "Court of Claims" so that such paragraph will read:

"Upon the trial of any suit in the Court of Claims in which any setoff, counterclaim, claim for damages, or other demand is set up on the part of the United States against any plaintiff making claim against the United States in said court, the court shall hear and determine such claim or demand both for and against the United States and plaintiff."

(b) The catchline to section 2510 of title 28, United States Code, is amended by striking out the words "Departmental reference cases", appearing in such catchline, and in lieu thereof inserting "Referral of cases by Comptroller General", so that such catchline will read as follows: "§ 2510. Referral of cases by Comptroller General".

SEC. 48. Section 2 of the Act approved August 7, 1888 (ch. 772, 25 Stat. 383; 47 U. S. C., sec. 10) is amended by striking out, after "provision of" near the beginning of such section, the reference "title sixty-five of the Revised Statutes", and in lieu thereof inserting "sections 5263 to 5269, inclusive, of the Revised Statutes, prior to the effective date of the repeal of such sections," so that such section will read as follows:

"SEC. 2. That whenever any telegraph company which shall have accepted the provisions of sections 5263 to 5269, inclusive, of the Revised Statutes, prior to the effective date of the repeal of such sections, shall extend its line to any station or office of a telegraph line belonging to any one of said railroad or telegraph companies, referred to in the first section of this Act, said telegraph company so extending its line shall have the right and said railroad or telegraph company shall allow the line of said telegraph company so extending its line to connect with the telegraph line of said railroad or telegraph company to which it is extended at the place where their lines may meet, for the prompt and convenient interchange of telegraph business between said companies; and such railroad and telegraph companies, referred to in the first section of this act, shall so operate their respective telegraph lines as to afford equal facilities to all, without discrimination in favor of or against any person, company, or corporation whatever, and shall receive, deliver, and exchange business with connecting telegraph lines on equal terms, and affording equal facilities, and without discrimination for or against any one of such connecting lines; and such exchange of business shall be on terms just and equitable."

Telegraphs.

SEC. 49. Section 7 of the Act approved August 7, 1888 (ch. 772, 25 Stat. 385; 47 U. S. C., sec. 15) is amended by striking out, after "premises", the words "now existing in the United States, or any authority that the Postmaster-General now has under title sixty-five of the Revised Statutes to fix rates, or, of the Government, to purchase lines as provided under said title, or to have its messages given precedence in transmission", and in lieu thereof inserting "now or hereafter existing in the United States, or the authority of the Federal Communications Commission under the provisions of the Communications Act of 1934, as amended, to prescribe charges, classifications, regulations, and practices, including priorities, applicable to Government communications", so that such section will read as follows:

48 Stat. 1064.
47 USC 609.

"SEC. 7. That nothing in this Act shall be construed to affect or impair the right of Congress, at any time hereafter, to alter, amend, or repeal the said Acts hereinbefore mentioned; and this Act shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require; and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now or hereafter existing in the United States, or the authority of the Federal Communications Commission under the provisions of the Communications Act of 1934, as amended, to prescribe charges, classifications, regulations, and practices, including priorities, applicable to Government communications."

Office of Defense
Mobilization.

SEC. 50. Section 103 of the Act approved July 26, 1947 (ch. 343, title I, 61 Stat. 499; 50 U. S. C., sec. 404) is amended (1) by striking out subsection (a) thereof; (2) by redesignating present subsections (b), (c), and (d) as "(a)", "(b)", and "(c)", respectively; (3) by striking out, in subsection (a), as so redesignated by clause (2) of this section, "Chairman of the Board", and in lieu thereof inserting "Director of the Office of Defense Mobilization"; (4) by striking out, in subsection (a), as so redesignated by clause (2) of this section, "Classification Act of 1923, as amended", and in lieu thereof inserting "Classification Act of 1949"; (5) by striking out, in subsection (a), as so redesignated, "Board in carrying out its", and in lieu thereof inserting "Director in carrying out his"; (6) by striking out, in subsection (b), as so redesignated by clause (2) of this section, the term "Board", and in lieu thereof inserting "Director of the Office of Defense Mobilization"; and (7) by striking out, in subsection (c), as so redesignated by clause (2) of this section, "its functions, the Board", and in lieu thereof inserting "his functions, the Director of the Office of Defense Mobilization", so that such section will read as follows:

63 Stat. 954.
5 USC 1071 note.

"SEC. 103. (a) The Director of the Office of Defense Mobilization, subject to the direction of the President, is authorized, subject to the civil-service laws and the Classification Act of 1949, to appoint and fix the compensation of such personnel as may be necessary to assist the Director in carrying out his functions.

"(b) It shall be the function of the Director of the Office of Defense Mobilization to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

"(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the Nation's manpower in the event of war;

"(2) programs for the effective use in time of war of the Nation's natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

“(3) policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

“(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

“(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

“(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation's security;

“(c) In performing his functions, the Director of the Office of Defense Mobilization shall utilize to the maximum extent the facilities and resources of the departments and agencies of the Government.”.

SEC. 51. (a) Subsection (a) of section 2 of the Act approved June 25, 1948 (ch. 646, 62 Stat. 985) is amended by inserting at the end thereof the following: “The Chief Justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof, the Chief Justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the Associate Justices thereof, the Chief Justice of the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this Act, shall be judges of the United States within the meaning of section 451 of Title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act. The Chief Justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof in office on the effective date of this Act, shall be circuit judges of the District of Columbia Circuit and vested with all the rights, powers, and duties thereof, and the said Chief Justice of the United States Court of Appeals for the District of Columbia shall be the Chief Judge of said Circuit. The Chief Justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the Associate Justices thereof, in office on the effective date of this Act, shall be district judges for the District of Columbia and vested with all the rights, powers and duties thereof.”

so that such subsection will read as follows:

“(a) The Chief Justices of the United States Court of Appeals for the District of Columbia, the District Court of the United States for the District of Columbia, and the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this Act shall be the chief judges of their respective courts. The Chief Justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof, the Chief Justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the Associate Justices thereof, the Chief Justice of the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this Act, shall be judges of the United States within the meaning of Section 451 of Title 28, Judiciary and Judicial Procedure, of the United States Code, set out in Section 1 of this Act. The Chief Justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof, in office on the effective date of this Act, shall be circuit judges of the District of Columbia Circuit and vested with all the rights, powers, and duties thereof, and the said

Status of certain
judges.
28 USC 136, 172
notes.

62 Stat. 907.

Chief Justice of the United States Court of Appeals for the District of Columbia shall be Chief Judge of said Circuit. The Chief Justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the Associate Justices thereof, in office on the effective date of this Act, shall be district judges for the District of Columbia and vested with all the rights, powers, and duties thereof."

Effective date.

(b) The amendment made by subsection (a) of this section shall be deemed to be in effect as of September 1, 1948.

Claims referrals.
62 Stat. 976.

SEC. 52. The first paragraph of section 2501 of Title 28, United States Code, is amended by striking out where they appear in such paragraph the words "or the claim is referred by the Senate or House of Representatives, or by the head of an executive department", so that such paragraph will read as follows:

"Every claim of which the Court of Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues."

Proceedings be-
fore commis-
sioners.

SEC. 53. (a) The first paragraph of section 2503 of Title 28 of United States Code, is amended (1) by lettering the paragraph as subsection (a); (2) by striking out the second sentence of such paragraph and inserting in lieu thereof "In accordance with rules and orders of the court, commissioners shall fix times for trials, administer oaths or affirmations to and examine witnesses, receive evidence and report findings of fact and, when directed by the court, their recommendations for conclusions of law in cases assigned to them. Hearings shall, if convenient, be held in the counties where the witnesses reside."; and (3) by striking out the last two sentences of such paragraph, so that such paragraph will read as follows:

"(a) Parties to any suit in the Court of Claims may appear before a commissioner in person or by attorney, produce evidence and examine witnesses. In accordance with rules and orders of the court, commissioners shall fix times for trials, administer oaths or affirmations to and examine witnesses, receive evidence and report findings of fact and, when directed by the court, their recommendations for conclusions of law in cases assigned to them. Hearings shall, if convenient, be held in the counties where the witnesses reside."

(b) The second paragraph of section 2503 of Title 28, United States Code, is amended by (1) by lettering the paragraph as subsection (b); and (2) by striking out the first sentence of such paragraph and inserting in lieu thereof "The rules of the court shall provide for the filing in court of the commissioner's report of facts and recommendations for conclusions of law, and for opportunity for the parties to file exceptions thereto, and a hearing thereon before the court within a reasonable time.", so that the paragraph will read as follows:

"(b) The rules of the court shall provide for the filing in court of the commissioner's report of facts and recommendations for conclusions of law, and for opportunity for the parties to file exceptions thereto, and a hearing thereon before the court within a reasonable time. This section shall not prevent the court from passing upon all questions and findings regardless of whether exceptions were taken before a commissioner."

SEC. 54. (a) The second paragraph of section 2505 of Title 28, United States Code, is repealed.

(b) The catchline to section 2505 of Title 28, United States Code, is amended by striking out the words "Place of taking evidence" and in lieu thereof inserting "Trial before judges", so that such catchline will read as follows:

“§ 2505. Trial before judges”.

(c) The analysis of chapter 165 of Title 28 of United States Code, immediately preceding section 2501 of such title, is amended by striking out the item “2505. Place of taking evidence.” and in lieu thereof inserting

“2505. Trial before judges.”.

SEC. 55. (a) Section 2507 of Title 28, United States Code, is amended (1) by striking out from the catchline to such section the words “Calls on departments for information” and in lieu thereof inserting “Calls and discovery”; (2) by inserting the subsection designation “(a)” immediately preceding the first word of the first paragraph of such section; (3) by inserting after the words “United States” where they appear in the first paragraph of such section the words “or upon any party”; and (4) by striking out where they appear in the first paragraph of such section the words “it deems necessary, and may use all recorded and printed reports made by the committees of the Senate and House of Representatives.” and in lieu thereof inserting “not privileged, for purposes of discovery or for use as evidence. The head of any department or agency may refuse to comply with a call issued pursuant to this subsection when, in his opinion, compliance will be injurious to the public interest.”, so that such paragraph redesignated as subsection (a) will read as follows:

Calls and discovery.

“(a) The Court of Claims may call upon any department or agency of the United States or upon any party for any information or papers, not privileged, for purposes of discovery or for use as evidence. The head of any department or agency may refuse to comply with a call issued pursuant to this subsection when, in his opinion, compliance will be injurious to the public interest.”.

(b) Section 2507 of Title 28, United States Code is amended by striking out the second paragraph of such section which reads “The head of any department or agency may refuse to comply when, in his opinion, compliance will be injurious to the public interest.”, and in lieu thereof inserting a new subsection to be numbered subsection “(b)” and to read as follows:

“(b) Without limitation on account of anything contained in subsection (a) of this section, the court may, in accordance with its rules, provide additional means for the discovery of any relevant facts, books, papers, documents or tangible things, not privileged.”.

(c) Section 2507 of Title 28, United States Code, is amended by adding at the end thereof a new subsection to be numbered subsection “(c)” and to read as follows:

“(c) The Court of Claims may use all recorded and printed reports made by the committees of the Senate or House of Representatives.”.

(d) The analysis to chapter 165 of Title 28, United States Code, immediately preceding section 2501 of such title is amended by striking out therefrom the catchline to item 2507 reading “Calls on departments for information.” and in lieu thereof inserting “Calls and discovery.”, so that the item will read:

“2507. Calls and discovery.”.

SEC. 56. Subsection (c) of section 2513 of Title 28, United States Code, is amended by striking out where it appears in such subsection the words “filed with” and in lieu thereof inserting “considered by” so that such subsection will read as follows:

Pardons.

“(c) No pardon or certified copy of a pardon shall be considered by the Court of Claims unless it contains recitals that the pardon was granted after applicant had exhausted all recourse to the courts and that the time for any court to exercise its jurisdiction had expired.”.

Interest on judgments.

SEC. 57. The last sentence of subsection (b) of section 2516 of Title 28, United States Code, is amended by inserting immediately after the word "allowed" where it appears in such sentence the words "for any period", so that such subsection will read as follows:

"(b) Interest on judgments against the United States affirmed by the Supreme Court after review on petition of the United States shall be paid at the rate of four percent per annum from the date of the filing of the transcript of the judgment in the Treasury Department to the date of the mandate of affirmance. Such interest shall not be allowed for any period after the term of the Supreme Court at which the judgment was affirmed."

Fees.

SEC. 58. Subsection (a) of section 2520 of Title 28, United States Code, is amended by striking out where it appears in such subsection the words "and the hearing of any case before the court, a judge, or a commissioner", so that such subsection will read as follows:

"(a) The Court of Claims shall by rules impose a fee not exceeding \$10, for the filing of any petition."

SEC. 59. (a) Chapter 165 of Title 28, United States Code, is amended by adding at the end thereof a new section to be designated as section 2521 entitled "Subpoenas" and to read as follows:

"§ 2521. Subpoenas

"Subpoenas requiring the attendance of parties or witnesses and subpoenas requiring the production of books, papers, documents or tangible things by any party or witness having custody or control thereof, may be issued for purposes of discovery or for use of the things produced as evidence in accordance with the rules and orders of the court. Such subpoenas shall be issued and served and compliance therewith shall be compelled as provided in the rules and orders of the court."

(b) The analysis to chapter 165 of Title 28, United States Code, immediately preceding section 2501 of such title, is amended by adding at the end thereof a new item 2521 to read as follows:

"2521. Subpoenas."

Approved September 3, 1954.

Public Law 780

CHAPTER 1264

AN ACT

September 3, 1954
[H. R. 9859]

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

River and Harbor
Act of 1954.

TITLE I—RIVERS AND HARBORS

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided*, That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public, Numbered 14, Seventy-ninth Congress, first session), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

59 Stat. 10.

Lubec Channel, Maine: Senate Document Numbered 243, Eighty-first Congress, at an estimated cost of \$74,000;

Maine.

Portsmouth Harbor and Piscataqua River, Maine and New Hampshire: House Document Numbered 556, Eighty-second Congress, at an estimated cost of \$952,000;

Lynn Harbor, Massachusetts: House Document Numbered 568, Eighty-first Congress, at an estimated cost of \$65,000: *Provided*, That local interests contribute in cash the cost of dredging the easterly three hundred feet of the Municipal Channel to a depth of twenty-two feet, presently estimated to cost \$4,700, before the work is undertaken;

Massachusetts.

Weymouth Fore River, Massachusetts: House Document Numbered 555, Eighty-second Congress, at an estimated cost of \$4,400,000;

Town River, Quincy, Massachusetts: House Document Numbered 108, Eighty-third Congress, at an estimated cost of \$525,000;

Scituate Harbor, Massachusetts: House Document Numbered 241, Eighty-third Congress, at an estimated cost of \$375,000;

Fall River Harbor, Massachusetts: House Document Numbered 405, Eighty-third Congress, at an estimated cost of \$694,000;

Bullocks Point Cove, Rhode Island: House Document Numbered 242, Eighty-third Congress, at an estimated cost of \$166,400;

Rhode Island.

Sakonnet Harbor, Rhode Island: House Document Numbered 436, Eighty-second Congress, at an estimated cost of \$555,400: *Provided*, That local interests contribute in cash, 4 per centum of the cost of the project, presently estimated as \$23,000;

Patchogue River, Connecticut: House Document Numbered 164, Eighty-third Congress, at an estimated cost of \$135,000;

Connecticut.

Westport Harbor and Saugatuck River, Connecticut: House Document Numbered 488, Eighty-first Congress, at an estimated cost of \$112,500;

Westchester Creek, New York: House Document Numbered 92, Eighty-second Congress, at an estimated cost of \$32,200;

New York.

Hudson River, New York: House Document Numbered 228, Eighty-third Congress, at an estimated cost of \$31,928,000;

Shoal Harbor and Compton Creek, New Jersey: House Document Numbered 89, Eighty-second Congress, at an estimated cost of \$138,000;

New Jersey.

Hackensack River, New Jersey: House Document Numbered 252, Eighty-second Congress, at an estimated cost of \$1,973,900;

Delaware River, Pennsylvania, New Jersey, and Delaware: In accordance with the recommendations of the Board of Engineers for Rivers and Harbors in House Document Numbered 358, Eighty-third Congress, at an estimated cost of \$91,389,000;

Mispillion River, Delaware: Senate Document Numbered 229, Eighty-first Congress, at an estimated cost of \$469,400;

Delaware.

Inland Waterway from Delaware River to Chesapeake Bay, Delaware and Maryland: Senate Document Numbered 123, Eighty-third Congress, at an estimated cost of \$101,000,000: *Provided*, That the standard of local contribution for the construction of all bridges, including approaches thereto, required by the project shall be the same standard heretofore applied to the construction of St. Georges Bridge;

Queenstown Harbor, Maryland: House Document Numbered 718, Eighty-first Congress, at an estimated cost of \$31,900;

Maryland.

Little Creek, Kent Island, Queen Anne County, Maryland: House Document Numbered 715, Eighty-first Congress, at an estimated cost of \$23,000;

Anchorage at Lowes Wharf, Talbot County, Maryland: House Document Numbered 90, Eighty-second Congress, at an estimated cost of \$29,000;

Nanticoke River, Bivalve, Wicomico County, Maryland: House Document Numbered 91, Eighty-second Congress, at an estimated cost of \$192,600;

Webster Cove, Somerset County, Maryland: House Document Numbered 619, Eighty-first Congress, at an estimated cost of \$20,300;

Crisfield Harbor, Maryland: House Document Numbered 435, Eighty-first Congress, at an estimated cost of \$101,750: *Provided*, That the cash contribution required of local interests shall be the difference in Federal costs between plans 1 and 2 at the time the project is undertaken;

Rhodes Point to Tylerton, Somerset County, Maryland: House Document Numbered 51, Eighty-second Congress, at an estimated cost of \$45,100;

Pocomoke River, Maryland: House Document Numbered 486, Eighty-first Congress, at an estimated cost of \$678,300;

Ocean City Harbor and Inlet and Sinepuxent Bay, Maryland: House Document Numbered 444, Eighty-second Congress, at an estimated cost of \$704,000;

Virginia.

Parrotts Creek, Virginia: House Document Numbered 46, Eighty-second Congress, at an estimated cost of \$38,700;

Norfolk Harbor and Thimble Shoal Channel, Virginia: Senate Document Numbered 122, Eighty-third Congress, at an estimated cost of \$6,138,700;

Deep Creek, Accomack County, Virginia: House Document Numbered 477, Eighty-first Congress, at an estimated cost of \$95,000;

Oyster Channel, Virginia: Senate Document Numbered 49, Eighty-third Congress, at an estimated cost of \$75,200;

North Carolina.

Wallace Channel, Pamlico Sound, North Carolina: House Document Numbered 453, Eighty-first Congress, at an estimated cost of \$108,000;

Smiths Creek, North Carolina: House Document Numbered 170, Eighty-third Congress, at an estimated cost of \$102,000;

Channel from Hatteras Inlet to Hatteras, and Rollinson Channel, North Carolina: House Document Numbered 411, Eighty-third Congress, at an estimated cost of \$175,000;

Peltier Creek, North Carolina, to Intracoastal Waterway: House Document Numbered 379, Eighty-first Congress, at an estimated cost of \$43,200;

64 Stat. 165.

The existing modified project for Wilmington Harbor, North Carolina, authorized by the River and Harbor Act approved May 17, 1950, in accordance with the recommendations of the Chief of Engineers in House Document Numbered 87, Eighty-first Congress, is hereby further modified to provide that the Secretary of the Army shall reimburse local interests for such work as they may have done upon widening of the transition channel at the lower end of the anchorage basin, subsequent to May 17, 1950, insofar as the same shall be approved by the Chief of Engineers and found to have been done in accordance with the project modification adopted in said Act, provided that such payment shall not exceed the sum of \$65,000;

South Carolina.

Charleston Harbor, South Carolina: Senate Document Numbered 136, Eighty-third Congress, at an estimated cost of \$200,000;

Channel Port Royal Sound to Beaufort, South Carolina: House Document Numbered 469, Eighty-first Congress, at an estimated cost of \$765,000;

Georgia.

Savannah Harbor, Georgia: House Document Numbered 110, Eighty-third Congress, at an estimated cost of \$414,900;

Florida.

Rice Creek, Putnam County, Florida: House Document Numbered 446, Eighty-second Congress, at an estimated cost of \$82,200;

Hillsboro River, Florida: House Document Numbered 567, Eighty-first Congress, at an estimated cost of \$16,600;

Carrabelle Harbor, Florida: House Document Numbered 451, Eighty-third Congress (maintenance of existing channel);

Apalachicola Bay, Florida: House Document Numbered 156, Eighty-second Congress, at an estimated cost of \$98,000;

Apalachicola Bay, Florida, channel across St. George Island: House Document Numbered 557, Eighty-second Congress, at an estimated cost of \$635,700;

St. Joseph Bay, Florida: House Document Numbered 595, Eighty-first Congress, at an estimated cost of \$1,312,000;

Mobile Harbor, Alabama: House Document Numbered 74, Eighty-third Congress, at an estimated cost of \$5,778,000;

Alabama.

Dauphin Island Bay, Alabama: House Document Numbered 394, Eighty-second Congress, at an estimated cost of \$70,000;

Pascagoula Harbor, Mississippi: Modification of existing project in accordance with plans on file in the Office of the Chief of Engineers, at an estimated cost of \$877,000;

Mississippi.

Bayou Segnette Waterway, Louisiana: House Document Numbered 413, Eighty-third Congress, at an estimated cost of \$520,000;

Louisiana.

Sabine-Neches Waterway, Texas: Senate Document Numbered 80, Eighty-third Congress, at an estimated cost of \$6,875,000;

Texas.

Guadalupe River at Seadrift, Texas: House Document Numbered 478, Eighty-first Congress, at an estimated cost of \$74,300;

Aransas Pass, Texas, in connection with the Gulf Intracoastal Waterway: House Document Numbered 376, Eighty-third Congress, at an estimated cost of \$30,700;

Turtle Cove, Texas: House Document Numbered 654, Eighty-first Congress, at an estimated cost of \$40,000;

Port Aransas-Corpus Christi Waterway, Texas: House Document Numbered 89, Eighty-third Congress, at an estimated cost of \$829,100: *Provided*, That work already performed by local interests on this project, in accordance with recommended plan, may be credited to the cash contribution required of local interests;

Port Aransas-Corpus Christi Waterway, Texas: House Document Numbered 487, Eighty-third Congress, at an estimated cost of \$180,000;

Mississippi River at Louisiana, Missouri: House Document Numbered 251, Eighty-second Congress, at an estimated cost of \$82,600;

Missouri.

Mississippi River at Chester, Illinois: House Document Numbered 230, Eighty-third Congress, at an estimated cost of \$65,000;

Illinois.

Crooked Slough Harbor, Winona, Minnesota: House Document Numbered 347, Eighty-third Congress, at an estimated cost of \$142,000;

Minnesota.

Cumberland River, Kentucky and Tennessee: Senate Document Numbered 81, Eighty-third Congress; and a monetary authorization not to exceed the estimated cost of the Dover and Eureka dams as described in House Document Numbered 761, Seventy-ninth Congress, "Cumberland River and its tributaries, Tennessee and Kentucky", authorized by the River and Harbor Act of July 24, 1946, is hereby authorized to be expended for partial accomplishment of the project hereby approved: *Provided*, That such authorization shall include the acquisition of lands necessary for wildlife purposes as outlined in said Senate Document Numbered 81;

Kentucky and Tennessee.

Green and Barren Rivers, Kentucky: Senate Document Numbered 82, Eighty-third Congress, at an estimated cost of \$3,434,000 for channel dredging and fender system work;

Kentucky.

Knife River Harbor, Minnesota: House Document Numbered 463, Eighty-third Congress, at an additional estimated cost of \$219,900;

Minnesota.

60 Stat. 636.

Wisconsin.

Cornucopia Harbor, Wisconsin: House Document Numbered 434, Eighty-third Congress, at an estimated cost of \$220,000;

Sheboygan Harbor, Wisconsin: House Document Numbered 554, Eighty-second Congress, at an estimated cost of \$217,200;

Michigan.

Holland Harbor, Michigan: House Document Numbered 282, Eighty-third Congress, at an estimated cost of \$574,400: *Provided*, That local interests will contribute 25 per centum of the cost of dredging Section B, but not to exceed \$45,500, in addition to the local co-operation required by the project document;

Crooked and Indian Rivers, Michigan: House Document Numbered 142, Eighty-second Congress, at an estimated cost of \$225,000;

Saginaw River, Michigan: In accordance with the report of the Chief of Engineers, dated June 7, 1954, at an estimated cost of \$4,496,800;

Ohio.

Toledo Harbor, Ohio: House Document Numbered 620, Eighty-first Congress, at an estimated cost of \$512,000;

Ashtabula Harbor, Ohio: House Document Numbered 486, Eighty-third Congress, at an estimated cost of \$4,900,000;

Pennsylvania.

Erie Harbor, Pennsylvania: House Document Numbered 345, Eighty-third Congress, at an estimated cost of \$174,000;

New York.

Black Rock Channel and Tonawanda Harbor, New York: House Document Numbered 423, Eighty-third Congress, at an estimated cost of \$270,000;

Little River at Cayuga Island, Niagara Falls, New York: House Document Numbered 246, Eighty-third Congress, at an estimated cost of \$36,900;

Oswego Harbor, New York: House Document Numbered 487, Eighty-first Congress, at an estimated cost of \$2,459,000;

California.

Los Angeles and Long Beach Harbors, California: House Document Numbered 161, Eighty-third Congress, at an estimated cost of \$896,500: *Provided*, That the Secretary of the Army is hereby authorized to reimburse local interests for such work as they may have done upon this project prior to July 1, 1953, at actual cost to local interests insofar as the same shall be approved by the Chief of Engineers and found to have been done in accordance with the project hereby adopted: *Provided further*, That such reimbursement shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority for harbor improvement: *And provided further*, That such payments shall not exceed the sum of \$500,000;

Playa del Rey Inlet and Harbor, Venice, California: House Document Numbered 389, Eighty-third Congress: *Provided*, That Federal participation in the provision of entrance jetties, entrance channel, interior channel and central basin recommended in the project report and presently estimated to cost \$7,738,000 shall not exceed 50 per centum of the cost thereof;

Port Hueneme, California: House Document Numbered 362, Eighty-third Congress, at an estimated cost of \$5,437,000;

Richmond Harbor, California: House Document Numbered 395, Eighty-third Congress, at an estimated cost of \$2,086,000;

Oregon.

Rogue River, Harbor at Gold Beach, Oregon: Senate Document Numbered 83, Eighty-third Congress, at an estimated cost of \$3,758,700;

Umpqua Harbor and River, Scholfield River at Reedsport, Oregon: Senate Document Numbered 133, Eighty-first Congress, at an estimated cost of \$41,000;

Tillamook Bay and Bar, Oregon: Senate Document Numbered 128, Eighty-third Congress, at an estimated cost of \$1,500,000;

Columbia River at the mouth, Oregon and Washington: House Document Numbered 249, Eighty-third Congress, at an estimated cost of \$8,555,000;

Oregon and
Washington.

Columbia River between Chinook, Washington, and the head of Sand Island: Senate Document Numbered 8, Eighty-third Congress, at an estimated cost of \$227,100;

Washington.

Willapa River and Harbor and Naselle River, Washington: House Document Numbered 425, Eighty-third Congress, at an estimated cost of \$977,000;

Grays Harbor and Chehalis River, Washington: House Document Numbered 412, Eighty-third Congress, at an estimated cost of \$421,800;

Grays Harbor and Chehalis River (Westhaven Breakwater), Washington: In accordance with the report of the Chief of Engineers, dated May 27, 1954, at an estimated cost of \$323,700;

Anacortes Harbor, Washington: Senate Document Numbered 102, Eighty-third Congress, at an estimated cost of \$179,300;

Neah Bay, Washington: House Document Numbered 404, Eighty-third Congress, at an estimated cost of \$139,250;

Bellingham Harbor, Washington: House Document Numbered 558, Eighty-second Congress, at an estimated cost of \$1,366,650;

Blaine Harbor, Washington: House Document Numbered 240, Eighty-third Congress, at an estimated cost of \$436,000;

Shilshole Bay, Seattle, Washington: House Document Numbered 536, Eighty-first Congress, at an estimated cost of \$3,397,300;

Tacoma Harbor, Washington: Modification of existing project to provide for thirty-foot channel in Port Industrial (Wapato) Waterway, in accordance with plans on file in the office of the Chief of Engineers, at an estimated cost of \$334,200;

Port Angeles Harbor, Washington: House Document Numbered 155, Eighty-second Congress, at an estimated cost of \$477,900;

Everett Harbor and Snohomish River, Washington: House Document Numbered 569, Eighty-first Congress, at an estimated cost of \$395,500;

Quillayute River, Washington: House Document Numbered 579, Eighty-first Congress, at an estimated cost of \$425,550;

Sitka Harbor, Alaska: House Document Numbered 414, Eighty-third Congress, at an estimated cost of \$41,500;

Alaska.

Dry Pass, Alaska: House Document Numbered 414, Eighty-third Congress, at an estimated cost of \$1,419,800;

Neva Strait, Alaska: House Document Numbered 414, Eighty-third Congress, at an estimated cost of \$224,400;

Petersburg Harbor, Alaska: In accordance with the report of the Chief of Engineers, dated April 8, 1954, at an estimated cost of \$40,000;

Pelican Harbor, Alaska: In accordance with the report of the Chief of Engineers, dated April 8, 1954, at an estimated cost of \$270,000;

Ketchikan Harbor, Alaska: In accordance with the report of the Chief of Engineers, dated April 8, 1954, at an estimated cost of \$2,947,900;

Rocky Pass in Keku Strait, Alaska: In accordance with the report of the Chief of Engineers, dated April 8, 1954, at an estimated cost of \$214,000;

Seward Harbor, Alaska: House Document Numbered 182, Eighty-third Congress, at an estimated cost of \$81,200;

Valdez Harbor, Alaska: House Document Numbered 182, Eighty-third Congress, at an estimated cost of \$116,600;

Kodiak Harbor, Alaska: House Document Numbered 465, Eighty-third Congress, at an estimated cost of \$1,685,000;

Hawaii.

Honolulu Harbor, Territory of Hawaii: House Document Numbered 717, Eighty-first Congress, at an estimated cost of \$3,022,000;
 Nawiliwili and Port Allen Harbors, Territory of Hawaii: House Document Numbered 453, Eighty-third Congress, at an estimated cost of \$1,166,400;

BEACH EROSION

New Hampshire.

Hampton Beach, New Hampshire: House Document Numbered 325, Eighty-third Congress, at an estimated cost of \$140,000;

Massachusetts.

Lynn-Nahant Beach, Massachusetts: House Document Numbered 134, Eighty-second Congress, at an estimated cost of \$189,000;

Revere Beach, Massachusetts: House Document Numbered 146, Eighty-second Congress, at an estimated cost of \$402,900;

Quincy Shore Beach, Massachusetts: House Document Numbered 145, Eighty-second Congress, at an estimated cost of \$409,000;

Rhode Island.

South Shore, State of Rhode Island: House Document Numbered 490, Eighty-first Congress, at an estimated cost of \$166,550;

Connecticut.

Hammonasset River to East River (Area 2), Connecticut: House Document Numbered 474, Eighty-first Congress, at an estimated cost of \$166,600 for Hammonasset Beach; \$20,400 for Middle Beach;

New Haven Harbor to Housatonic River (Area 3), Connecticut: House Document Numbered 203, Eighty-third Congress, at an estimated cost of \$84,600 for Prospect Beach; \$42,400 for Woodmont Shore; \$13,100 for Gulf Beach; and \$18,300 for Silver Beach to Cedar Beach;

Housatonic River to Ash Creek (Area 7), Connecticut: House Document Numbered 248, Eighty-third Congress, at an estimated cost of \$26,500 for Short Beach; and \$119,000 for Seaside Park;

New Jersey.

Atlantic City, New Jersey: House Document Numbered 538, Eighty-first Congress, at an estimated cost of \$2,044,000;

Ocean City, New Jersey: House Document Numbered 184, Eighty-third Congress, at an estimated cost of \$105,000;

Cold Spring Inlet (Cape May Harbor), New Jersey: House Document Numbered 206, Eighty-third Congress, at an estimated cost of \$260,000;

Virginia.

Virginia Beach, Virginia: House Document Numbered 186, Eighty-third Congress, at an estimated cost of \$525,514;

Florida.

Pinellas County, Florida: House Document Numbered 380, Eighty-third Congress, at an estimated cost of \$34,300;

Illinois.

Illinois Shore of Lake Michigan: House Document Numbered 28, Eighty-third Congress, at an estimated cost of \$1,180,400;

Ohio.

Vermilion to Sheffield Lake Village, Ohio: House Document Numbered 229, Eighty-third Congress, at an estimated cost of \$185,000;

Cleveland and Lakewood, Ohio: House Document Numbered 502, Eighty-first Congress, at an estimated cost of \$1,275,000 for Edgewater Park; and \$68,900 for White City Park;

Pennsylvania.

Presque Isle Peninsula, Erie, Pennsylvania: House Document Numbered 231, Eighty-third Congress, at an estimated cost of \$2,006,000;

New York.

Selkirk Shores State Park, Lake Ontario, New York: House Document Numbered 343, Eighty-third Congress, at an estimated cost of \$136,500;

California.

Point Mugu to San Pedro Breakwater, California: House Document Numbered 277, Eighty-third Congress, at an estimated cost of \$3,874,000;

Anaheim Bay Harbor, California: House Document Numbered 349, Eighty-third Congress, at an estimated cost of \$65,700 for Seal Beach; and \$91,600 for Surfside;

Carpenteria to Point Mugu, California: House Document Numbered 29, Eighty-third Congress, at an estimated cost of \$73,700;

Waikiki Beach, Territory of Hawaii: House Document Numbered 227, Eighty-third Congress, at an estimated cost of \$283,700.

SEC. 102. The Secretary of the Army is hereby authorized to reimburse local interests for such work done by them on the beach erosion projects authorized in section 101, subsequent to the initiation of the cooperative studies which form the basis for the projects: *Provided*, That the work which may have been done on these projects was approved by the Chief of Engineers as being in accordance with the projects hereby adopted: *Provided further*, That such reimbursement shall be subject to appropriations applicable thereto for funds available therefor and shall not take precedence over other pending projects of higher priority for improvements.

SEC. 103. The Secretary of the Army is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

Eastern River, at and in the vicinity of Orland, Maine;

Southwest Harbor, Maine;

Vicinity of Wells Beach and Drakes Island, Maine;

Channel from the Gulf of Mexico into Choctawatchee Bay, Florida, in the vicinity of Point Washington;

Lake Tarpon (formerly Lake Butler), Florida, to determine the cause of salt water intrusion and corrective measures with respect thereto; and

Chipola River, Florida, for measures to maintain satisfactory water levels in the Dead Lakes;

Big Sandy River and Tug and Levisa Forks in Kentucky, West Virginia, and Virginia.

SEC. 104. The consent of Congress is hereby granted to the city of Mobile, Alabama, and the State of Alabama, their successors and assigns, for the closing of Garrows Bend Channel, in the county of Mobile, Alabama, by the construction and operation of an earth-filled causeway across said channel in the county of Mobile, in the State of Alabama: *Provided*, That the work on said causeway shall not be commenced until the plans and location therefor have been filed with and approved by the Chief of Engineers, United States Army, and by the Secretary of the Army. This provision shall be null and void unless the actual construction of the causeway hereby authorized is commenced within three years and completed within five years from the date of this Act and the right to alter, amend, or repeal this provision is hereby expressly reserved.

SEC. 105. The authorization of the improvement of the Intracoastal Waterway from the Caloosahatchee River to the Anclote River (House Document Numbered 371, Seventy-sixth Congress) authorized in the River and Harbor Act of 1945 and modified by the River and Harbor Act of 1948 and the River and Harbor Act of 1950 is further modified so as to authorize the use of alternate route C-1 in the Venice and Lemon Bay, Florida, area, as designated in plans of the Corps of Engineers.

The Chief of Engineers is directed to report to the Congress prior to request for appropriation to construct this part of the project his recommendation as to the fair amount of local contribution in the light of the changed condition. Provisions as to local contribution based on these recommendations shall become effective when approved by the Public Works Committees of the Senate and the House of Representatives.

SEC. 106. That the requirement, that local interests provide the ferries and bridges required for land traffic across the lateral and terminal canals, with respect to the river and harbor project authorized by the

Hawaii.

Reimbursement to local interests, authorization.

Preliminary examinations and surveys, authorization.
64 Stat. 168.

Maine.

Florida.

Kentucky, West Virginia, and Virginia.
Causeway.
Alabama.

Intracoastal Waterway, Fla.

59 Stat. 17; 62 Stat. 1173; 64 Stat. 168.

Report to Congress.

Mississippi.

Act of August 30, 1935 (49 Stat. 1028), on the Pearl River, Mississippi, below Jackson, shall hereafter be ineffective: *Provided*, That local interests furnish assurances satisfactory to the Secretary of the Army that they will hold and save the United States free from any claim for damage which might result from deprivation of access to the area.

Short title.

SEC. 107. Title I may be cited as the "River and Harbor Act of 1954".

Flood Control
Act of 1954.

49 Stat. 1571;
52 Stat. 1215.

TITLE II—FLOOD CONTROL

SEC. 201. That section 3 of the Act approved June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), as amended by section 2 of the Act approved June 28, 1938 (Public, Numbered 761, Seventy-fifth Congress), shall apply to all works authorized in this title except that for any channel improvement or channel rectification project, provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall apply thereto, and except as otherwise provided by law: *Provided*, That the authorization for any flood-control project herein adopted requiring local cooperation shall expire five years from the date on which local interests are notified in writing by the Department of the Army of the requirements of local cooperation, unless said interests shall within said time furnish assurances satisfactory to the Secretary of the Army that the required cooperation will be furnished.

58 Stat. 887.

SEC. 202. The provisions of section 1 of the Act of December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session), shall govern with respect to projects authorized in this Act, and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto shall apply as if herein set forth in full.

It is hereby declared to be the policy of the Congress that the following provisions shall be observed:

No project or any modification not authorized, of a project for flood control or rivers and harbors, shall be authorized by the Congress unless a report for such project or modification has been previously submitted by the Chief of Engineers, United States Army, in conformity with existing law.

SEC. 203. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated and subject to the conditions set forth therein: *Provided*, That the necessary plans, specifications, and preliminary work may be prosecuted on any project authorized in this title with funds from appropriations heretofore or hereafter made for flood control so as to be ready for rapid inauguration of a construction program: *Provided further*, That the projects authorized herein shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements: *And provided further*, That penstocks and other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam authorized in this Act for construction by the Department of the Army when approved by the Secretary of the Army on the recommendation of the Chief of Engineers and the Federal Power Commission.

CONNECTICUT RIVER BASIN

That the plan for the control of floods in the Connecticut River Basin, approved by the Act of June 22, 1936 (Public Law Numbered

738, Seventy-fourth Congress), as amended and supplemented, is hereby modified to provide for the construction, under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, of a flood control reservoir on Otter Brook at South Keene, New Hampshire, in lieu of any reservoir or reservoirs heretofore authorized.

49 Stat. 1572.

That the plan for the West River Basin of the Connecticut River in Vermont is hereby modified to consist of three reservoirs at the Ball Mountain, The Island, and Townshend sites, in lieu of the plan of eight reservoirs authorized in section 10 of the Flood Control Act approved December 22, 1944, in general accordance with the plan agreed to by the Secretary of the Army, the Chief of Engineers, and the Vermont State Water Conservation Board in June 1950; and the conditions specified in the plan of the eight reservoirs authorized in section 10 of the Flood Control Act approved December 22, 1944, shall not apply.

58 Stat. 891.

SUSQUEHANNA RIVER BASIN

The project for the Susquehanna River in the vicinity of Endicott, Johnson City, and Vestal, New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 500, Eighty-first Congress, at an estimated cost of \$4,469,000.

The plan for flood protection on the West Branch of the Susquehanna River, Pennsylvania and New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated June 25, 1954, and there is hereby authorized to be appropriated the sum of \$25,000,000 for partial accomplishment of that plan.

Appropriation.

CENTRAL AND SOUTHERN FLORIDA

The authorization for the comprehensive plan for flood control and other purposes in central and southern Florida given by the Flood Control Act of June 30, 1948, as amended, is hereby modified and expanded to include the entire comprehensive plan of improvement as recommended by the Chief of Engineers in House Document Numbered 643, Eightieth Congress, with such modifications thereof as the Congress may hereafter authorize, or as in the discretion of the Chief of Engineers may be advisable: *Provided*, That the conditions of local cooperation for the authorized first phase heretofore approved by said flood control Act shall apply to that authorized first phase, but for all work over and beyond that previous authorization such conditions shall apply on an interim basis only until they shall be modified as deemed appropriate by the Congress, based on recommendations to be submitted at the earliest practicable date by the Chief of Engineers, through the Bureau of the Budget to the Congress: *Provided further*, That whatever conditions of local cooperation are established by Congress as the result of such recommendations shall be retroactive to any units of the comprehensive plan authorized in this Act which may be started prior to establishment of the exact conditions of local cooperation: *And provided further*, That in addition to previous authorizations there is hereby authorized to be appropriated the sum of \$7,000,000 for partial accomplishment of said plan.

62 Stat. 1175.

Appropriation.

LOWER MISSISSIPPI RIVER

The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928, as amended and modified, is hereby further modified and expanded to include the

45 Stat. 534.

following items of work and the authorization for said project is increased accordingly.

(a) Control of Old and Atchafalaya Rivers and a lock for navigation substantially as set forth in section XIII of the report of the Mississippi River Commission dated February 2, 1954, and the report of the Chief of Engineers in House Document Numbered 478, Eighty-third Congress, with such modifications as the Chief of Engineers in his discretion may find advisable at an estimated additional cost (exclusive of the navigation lock) of \$32,000,000, in addition to the \$15,000,000 increase in authorization made by subparagraph (a) under the title "Lower Mississippi River" in section 204 of the Flood Control Act, approved May 17, 1950, which \$15,000,000 shall be applied to the item described in this paragraph: *Provided*, That the United States shall acquire such lands, rights-of-way and spoil-disposal areas as may be necessary for construction of the project except that local interests shall comply with the provisions of section 3 of the Flood Control Act approved May 15, 1928, as amended, with regard to the enlargement and extension of the main line Mississippi River levee below Shaw, Louisiana: *Provided further*, That no flow-age rights are to be acquired by the United States in connection with this item: *And provided further*, That when the type and dimensions of the required navigation lock are approved by the Chief of Engineers, construction thereof may be initiated with funds herein authorized to be appropriated.

(b) The plan for an adequate channel from the Mississippi River via Old and Atchafalaya Rivers to Morgan City, Louisiana, substantially in accordance with the report of the Chief of Engineers in Senate Document Numbered 53, Eighty-second Congress, at an estimated additional cost of \$440,000.

(c) Modification of the authorized project for the Vicksburg-Yazoo area substantially in accordance with the report of the Chief of Engineers in House Document Numbered 85, Eighty-third Congress.

(d) Modification of the authorized project for the New Madrid Floodway substantially in accordance with the recommendation of the Chief of Engineers in House Document Numbered 183, Eighty-third Congress, at an estimated cost of \$1,743,000.

(e) The plan for flood control in the Reelfoot Lake Area, Tennessee and Kentucky, substantially in accordance with the recommendation of the Chief of Engineers in his report dated June 17, 1954, at an estimated cost of \$748,100.

TRINITY RIVER BASIN, TEXAS

The project for the Navarro Mills Reservoir on Richland Creek, Texas, is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in his report dated May 28, 1954, at an estimated cost of \$4,969,000.

BUFFALO BAYOU BASIN, TEXAS

The project for Buffalo Bayou and tributaries, to provide flood protection for the city of Houston, Texas, as authorized by the Flood Control Act approved August 11, 1939, and previous Acts, is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 250, Eighty-third Congress, at an additional estimated cost of \$16,191,600.

64 Stat. 170.

45 Stat. 535.

53 Stat. 1414.

BRAZOS RIVER BASIN, TEXAS

The plan for flood protection and other purposes on the Brazos River and tributaries, Oyster Creek and Jones Creek, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 535, Eighty-first Congress, and there is hereby authorized to be appropriated the sum of \$40,000,000 for partial accomplishment of that plan.

Appropriation.

The project for the Belton Reservoir, Leon River, Texas, authorized by the Flood Control Act of 1946, is hereby modified to provide for the reservation, without reimbursement, of twelve thousand acre-feet of conservation storage to be used as a permanent source of water supply for Fort Hood and adjacent military installations.

60 Stat. 649.

GUADALUPE AND SAN ANTONIO RIVERS, TEXAS

The project for flood protection on the Guadalupe and San Antonio Rivers, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 344, Eighty-third Congress, at an estimated cost of \$30,254,000.

GUADALUPE RIVER, TEXAS

The works of improvement on Guadalupe River, Texas, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 17), insofar as such authorization provides for construction of the Canyon Dam and Reservoir, is hereby modified to provide for the construction, operation, and maintenance under the direction of the Secretary of the Army and supervision of the Chief of Engineers of the Canyon Dam and Reservoir in accordance with the provisions of this Act. The Canyon Dam and Reservoir shall be constructed with a gross reservoir capacity of approximately seven hundred and fifty thousand acre-feet (of which three hundred and eighty thousand acre-feet shall be for flood control and sedimentation) for purposes of flood control, conservation, stream-flow regulation, and provision for sedimentation, and, if practicable, for purposes of development of electric power, at an estimated total cost of \$13,300,000.

59 Stat. 18.

The Chief of Engineers, in consultation with the Federal Power Commission, shall at appropriate times allocate to local interests such of the costs of construction, operation, and maintenance of the Canyon Dam and Reservoir as may appropriately be allocated to water conservation, stream-flow regulation, and development of electric power. Such allocation shall be made in accordance with the separable costs-remaining benefits method, taking into account the net increase in regulated flow which is practical with the storage capacity which will be provided by the Canyon Dam and Reservoir for water conservation and stream-flow regulation. No allocation of costs with respect to any installation for development of electric power shall be made under this section unless the Chief of Engineers determines that such installation will actually be constructed.

Allocation of costs.

The costs allocated to local interests under this section shall be not less than \$1,400,000, and shall be paid by them to the Chief of Engineers as provided in this Act. The portion of such costs determined by the Chief of Engineers to be allocable to operation and maintenance of Canyon Dam and Reservoir shall be deposited to the credit of the appropriation available for maintenance and operation of such dam and used by the Chief of Engineers for such operation and maintenance; the \$1,400,000 to be contributed during the construction period

shall be deposited to the credit of the appropriation available for construction of the dam and used by the Chief of Engineers for that purpose; and the balance of such costs determined by the Chief of Engineers to be allocable to construction of Canyon Dam and Reservoir shall be deposited in the Treasury of the United States.

41 Stat. 1063;
49 Stat. 863,
16 USC 791a.

Facilities for the development of electric power at Canyon Dam and Reservoir may be constructed and operated by the Corps of Engineers, or by local interests in accordance with the provisions of the Federal Power Act and in accordance with this Act, with all expenses of construction, operation, and maintenance of such facilities to be paid by local interests and with such power to be made available to such local interests.

Of the contributions to be paid by local interests toward the cost of construction of Canyon Dam and Reservoir, \$1,400,000 shall be paid in such manner, and at such time or times during the period of such construction, as the Chief of Engineers shall determine. The remainder of the contributions allocated to local interests, with interest thereon at the rate of 2½ per centum per annum, shall be paid as prescribed by the Chief of Engineers over a period not in excess of fifty years.

The Chief of Engineers shall enter into an agreement with local interests providing for the payments heretofore described and for all other matters relating to the operation and maintenance of the Canyon Dam and Reservoir which require the cooperation of local interests. Such agreement may provide for utilization of the water impounded for water conservation and stream-flow regulation for development of electric power; except that the agreement shall provide that the utilization of water for power development shall not be allowed to conflict with the flood-control and sedimentation purposes of the Canyon Dam and Reservoir.

PECOS RIVER BASIN

The project for flood protection on the Pecos River, Texas and New Mexico, is hereby authorized substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors, dated March 26, 1954, at an estimated cost of \$9,540,000: *Provided*, That no appropriations shall be made for construction of Los Esteros Reservoir until satisfactory arrangements have been made by the State of New Mexico for the transfer of irrigation storage from the Alamagordo Reservoir.

RIO GRANDE BASIN

The project for flood protection in the Rio Grande Basin at Albuquerque, New Mexico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 464, Eighty-third Congress, at an estimated cost of \$7,500,000.

The project for flood protection on the Rio Hondo River at Roswell, New Mexico, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 436, Eighty-third Congress, at an estimated cost of \$5,658,000.

WHITE RIVER BASIN

52 Stat. 1218.

The general comprehensive plan for flood control and other purposes for the White River Basin approved by the Flood Control Act of June 28, 1938, as amended, is hereby modified to provide for the generation of power in conjunction with flood control at the Greers

Ferry Reservoir and the addition of Beaver Reservoir for flood control, power generation, and other purposes, substantially as recommended by the Chief of Engineers in his report dated February 19, 1954.

ARKANSAS RIVER BASIN

The project for flood protection on the Arkansas River and tributaries at Enid, Oklahoma, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 185, Eighty-third Congress, at an estimated cost of \$965,000.

The project for flood protection on the Arkansas River, Conway County Drainage and Levee District Numbered 1, Arkansas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 167, Eighty-second Congress, at an estimated cost of \$230,600.

The project for flood protection on the Arkansas River, Holla Bend Bottom, Arkansas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 157, Eighty-second Congress, at an estimated cost of \$312,000.

UPPER MISSISSIPPI RIVER

The project for flood protection on the Mississippi River in urban areas at Alton, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 397, Eighty-third Congress, at an additional estimated cost of \$2,500,000.

The project for flood protection on Bear Creek at Hannibal, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 435, Eighty-third Congress, at an estimated cost of \$3,326,000.

The project for flood protection on the Mississippi River, Guttenberg, Iowa, to Hamburg Bay, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 281, Eighty-third Congress, excepting only the improvements recommended for Credit Island and for Henderson County Drainage District No. 3, at an estimated cost for improvements authorized of \$30,551,000.

The project for flood protection on the Mississippi River, Fish Lake Drainage and Levee District No. 8, Monroe County, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 396, Eighty-third Congress, at an additional estimated cost of \$480,000.

The project on the Mississippi River for local flood protection in the Sny Island Levee Drainage District, Illinois, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 247, Eighty-third Congress, at an estimated cost of \$7,046,300.

The project for flood protection on the Upper Iowa River, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 375, Eighty-third Congress, at an estimated cost of \$979,600.

MISSOURI RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$144,000,000 for the prosecution of the comprehensive plan for the Missouri River Basin to be undertaken by the Corps of Engineers, approved by the Act of June 28, 1938, as amended and supplemented by subsequent Acts of Congress.

Appropriation.

52 Stat. 1218.

Appropriation.

The comprehensive plan for the Missouri River Basin, approved by the Act of June 28, 1938, and as amended and supplemented, is hereby further modified to include the project for flood protection on the Kansas River and tributaries, Colorado, Nebraska and Kansas substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 642, Eighty-first Congress, at an estimated additional cost of \$73,710,000, and there is authorized to be appropriated such sum in addition to previous authorizations for the Missouri Basin plan.

The comprehensive plan for the Missouri River Basin, approved by the Act of June 28, 1938, and as amended and supplemented, is hereby further modified to include the project for flood protection on the Osage River and tributaries, Missouri and Kansas, substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 549, Eighty-first Congress.

49 Stat. 1588.

58 Stat. 897.

The project adopted by the Flood Control Act of June 22, 1936, to provide flood protection for the Kansas Citys, Kansas and Missouri, as modified and extended by the Flood Control Act of December 22, 1944, is hereby further modified to provide that the Chief of Engineers may contribute not to exceed \$2,750,000 to the cost of an alternate plan of flood protection to be constructed by local interests in the lower Armourdale area of the Kansas Citys project: *Provided*, That the actual amount so paid by the Federal Government shall not exceed the estimated Federal cost of the approved Government plan of protection in this area nor shall it exceed the total actual costs of the alternate project reduced by the estimated costs for lands, easements, rights-of-way, and public relocations which local interests would have been required to bear had the approved Government plan been constructed: *Provided further*, That the total amount shall be paid in installments during progress of the work to satisfactory completion of the alternate plan.

The project for flood protection on the Chariton River, Iowa and Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 561, Eighty-first Congress, at an estimated cost of \$19,612,000.

The project for flood protection on the Big Sioux River and tributaries at Sioux Falls, South Dakota, is hereby authorized substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in its report dated March 15, 1954, at an estimated cost of \$3,430,000.

61 Stat. 741.

The project for flood protection on the Little Sioux River, Iowa, authorized by the Act of August 4, 1947, is hereby modified and supplemented substantially in accordance with the recommendations of the Chief of Engineers, in Senate Document Numbered 127, Eighty-third Congress, at an additional estimated cost of \$10,076,000.

58 Stat. 897.

The general comprehensive plans for flood control and other purposes in the Missouri River Basin set forth in House Document Numbered 475 and Senate Document Numbered 191, as revised and coordinated by Senate Document Numbered 247, Seventy-eighth Congress, second session, approved in the Flood Control Act of December 22, 1944, are hereby modified to include the payment by the Corps of Engineers for construction or provision of adequate water supply and sewage facilities in the new relocated municipality of Pollock, South Dakota, at a cost not to exceed \$200,000, which is to compensate for the acquisition of and to replace facilities in the town which are located within areas which have been or will be acquired by the United States because of the construction of the Oahe Dam and Reservoir project in the basin.

The project for flood protection on the Little Missouri River and tributaries at Marmarth, North Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in Senate Document Numbered 134, Eighty-first Congress, at an estimated cost of \$212,300.

The project for flood protection on the Lower Heart River in the vicinity of Mandan, North Dakota, authorized by the Flood Control Act of 1946, and modified by the Flood Control Act of 1950, is further modified substantially in accordance with the recommendations of the Chief of Engineers in his report dated July 27, 1954, at an estimated cost of \$1,727,000.

60 Stat. 648; 64
Stat. 175.

COAL CREEK AND TRIBUTARIES, TENNESSEE

The project for flood protection on Coal Creek and tributaries, Tennessee, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 154, Eighty-second Congress, at an estimated cost of \$745,200.

OHIO RIVER BASIN

The project for flood protection on Sandy Lick Creek at and in the vicinity of Reynoldsville, Pennsylvania, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 716, Eighty-first Congress, at an estimated cost of \$570,000.

The project for flood control and related purposes on the Paint Rock River, Alabama, is hereby authorized substantially as recommended by the Chief of Engineers in his report dated June 23, 1954, at an estimated cost of \$1,001,300: *Provided*, That in lieu of the local cooperation recommended in that document, local interests shall comply with the provisions of local cooperation contained in section 3 of the Flood Control Act approved June 22, 1936, as amended, and shall also construct and maintain local drainage works required to fully and effectively utilize the improved outlet system, generally as outlined in said document.

49 Stat. 1571.

KALAMAZOO RIVER, MICHIGAN

The project for flood protection on the Kalamazoo River at Battle Creek, Michigan, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in Senate Document Numbered 98, Eighty-third Congress, at an estimated cost of \$4,201,550: *Provided*, That local contribution toward the project will be in accord with the recommendation of the Secretary of the Army contained in the aforesaid document.

LITTLE CALUMET RIVER, INDIANA

The project for flood protection on the Little Calumet River and tributaries, Indiana, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 153, Eighty-second Congress, at an estimated cost of \$509,900.

LOS ANGELES RIVER BASIN

In addition to previous authorizations there is hereby authorized to be appropriated the sum of \$12,500,000 for the prosecution of the comprehensive plan for the Los Angeles-San Gabriel River Basin, and Ballona Creek, California, approved in the Act of August 18, 1941, as amended and supplemented by subsequent Acts of Congress.

Appropriation.

55 Stat. 647.

SANTA MARIA RIVER BASIN

The project for flood protection on Santa Maria River and tributaries, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 400, Eighty-third Congress, at an estimated cost of \$10,182,000 for levees and channel improvements to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers.

SAN LORENZO RIVER BASIN

The project for flood protection on San Lorenzo River, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 447, Eighty-third Congress, at an estimated cost of \$2,665,000.

SACRAMENTO RIVER BASIN

The project for flood protection on Middle Creek, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 367, Eighty-first Congress, at an estimated cost of \$1,110,000.

The plan of improvement for flood control on the American River, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 367, Eighty-first Congress, at an estimated cost of \$1,600,000 for levees.

LOWER SAN JOAQUIN RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$5,000,000 for the prosecution of the comprehensive plan for the Lower San Joaquin River Basin, California, approved in the Act of December 22, 1944, as amended and supplemented by subsequent Acts of Congress.

SAN LORENZO CREEK BASIN

The project for flood protection on San Lorenzo Creek, Alameda County, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 452, Eighty-third Congress, at an estimated cost of \$3,790,000.

TRUCKEE RIVER BASIN

The project for flood protection on Truckee River and tributaries, California and Nevada, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated April 15, 1954, at an estimated cost of \$791,000: *Provided*, That the authorization for improvement for flood control on Truckee River, California and Nevada, contained herein shall not become effective unless and until the "Washoe Reclamation Project" on the Truckee and Carson Rivers, California and Nevada, shall have been authorized pursuant to law.

COLUMBIA RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$180,000,000 for the prosecution of the projects and plans for the Columbia River Basin, for which the sum of \$75,000,000 was authorized in the Flood Control Act approved

May 17, 1950, and these projects and plans are hereby modified to include power development in the following projects in tributary basins, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 531, Eighty-first Congress: Cougar Reservoir on South Fork of McKenzie River, Oregon, and Green Peter Reservoir on Middle Fork of Santiam River, Oregon, including White Bridge reregulating reservoir on Middle Fork of Santiam River, Oregon.

64 Stat. 178.

The project for flood protection on Amazon Creek at Eugene and vicinity, Oregon, authorized by the Flood Control Act of 1946, and modified by the Flood Control Act of 1950, is further modified substantially in accordance with the recommendations of the Chief of Engineers, in Senate Document Numbered 131, Eighty-third Congress, at an estimated cost of \$893,600.

60 Stat. 650.

TERRITORY OF ALASKA

The project for flood protection on Gold Creek and tributaries, Alaska, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 54, Eighty-second Congress, at an estimated cost of \$380,000.

TERRITORY OF HAWAII

The project for flood protection on the Wailoa Stream and its tributaries, Island of Hawaii, Territory of Hawaii, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in House Document Numbered 529, Eighty-first Congress, at an estimated cost of \$347,000.

SEC. 204. The Secretary of the Army is hereby authorized and directed to cause preliminary examinations and surveys for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects, to be made under the direction of the Chief of Engineers, in drainage areas of the United States and its Territorial possessions, which include the following-named localities: *Provided*, That after the regular or formal reports made on any examination, survey, project, or work underway or proposed are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except that the Secretary of the Army may cause a review of any examination or survey to be made and a report thereon submitted to Congress if such review is required by the national defense or by changed physical or economic conditions: *Provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or stream mentioned in this section until the project for the proposed work shall have been adopted by law:

Preliminary examinations and surveys, authorization.

Ipswich River, Massachusetts.

Neponset River, Massachusetts.

Ash and Pine Creeks, Fairfield and vicinity, Connecticut.

Juniata River at Lewistown and other points in Pennsylvania in the interest of flood control.

Streams in the vicinity of Alice, Texas.

Devils River and tributaries, Texas.

Rio Hondo and tributaries, New Mexico.

Redwood Creek, Humboldt County, California.

Coos Bay, Oregon.

SEC. 205. In addition to previous authorizations, the sum of \$20,000,000 is hereby authorized to be appropriated for expenditure by the Department of Agriculture for the prosecution of the works of

Appropriation.

58 Stat. 887.

improvement authorized to be carried out by that Department by the Flood Control Act of December 22, 1944, as amended.

55 Stat. 650; 60
Stat. 642.
67 Stat. 61.
33 USC 701c-3.

SEC. 206. That section 7 of the Act approved August 18, 1941 (Public, Numbered 228, Seventy-seventh Congress), as amended by section 5 of the Act approved July 24, 1946 (Public, Numbered 526, Seventy-ninth Congress), as further amended by the Act approved June 16, 1953 (Public, Numbered 60, Eighty-third Congress), is hereby still further amended to read as follows:

"That 75 per centum of all moneys received and deposited in the Treasury of the United States during any fiscal year on account of the leasing of lands acquired by the United States for flood control, navigation, and allied purposes, including the development of hydro-electric power, shall be paid at the end of such year by the Secretary of the Treasury to the State in which such property is situated, to be expended as the State legislature may prescribe for the benefit of public schools and public roads of the county, or counties, in which such property is situated, or for defraying any of the expenses of county government in such county or counties, including public obligations of levee and drainage districts for flood control and drainage improvements: *Provided*, That when such property is situated in more than one State or county, the distributive share to each from the proceeds of such property shall be proportional to its area therein."

52 Stat. 1226.

SEC. 207. That section 8 of the Flood Control Act approved June 28, 1938, is hereby amended to read as follows:

"That there is hereby authorized an expenditure as required, from any appropriations heretofore or hereafter made for flood control, rivers and harbors, and related purposes by the United States, for the establishment, operation, and maintenance by the Weather Bureau of a network of recording and nonrecording precipitation stations, known as the Hydroclimatic Network, whenever in the opinion of the Chief of Engineers and the Chief of the Weather Bureau such service is advisable in connection with either preliminary examinations and surveys or works of improvement authorized by the law for flood control, rivers and harbors, and related purposes, and the Secretary of the Army upon the recommendation of the Chief of Engineers is authorized to allot the Weather Bureau funds for said expenditure."

50 Stat. 877; 60
Stat. 652.

Removal of
debris, etc.

SEC. 208. That section 2 of the Flood Control Act of August 28, 1937, as amended by section 13 of the Flood Control Act of July 24, 1946, is hereby further amended to read as follows:

"That the Secretary of the Army is hereby authorized to allot not to exceed \$2,000,000 from any appropriations heretofore or hereafter made for any one fiscal year for flood control, for removing accumulated snags and other debris, and clearing and straightening the channel in navigable streams and tributaries thereof, when in the opinion of the Chief of Engineers such work is advisable in the interest of flood control: *Provided*, That not more than \$100,000 shall be expended for this purpose for any single tributary from the appropriations for any one fiscal year."

60 Stat. 642.

Recreational fa-
cilities in reser-
voir areas.

SEC. 209. That section 4 of the Act approved July 24, 1946 (Public, Numbered 526, Seventy-ninth Congress), is amended to read as follows:

"The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to construct, maintain, and operate public park and recreational facilities in reservoir areas under the control of the Department of the Army, and to permit the construction, maintenance, and operation of such facilities. The Secretary of the Army is also authorized to grant leases of lands, including structures or facilities thereon, in reservoir areas for such periods, and upon such terms and for such purposes as he may deem reasonable in the public

interest: *Provided*, That leases to nonprofit organizations for park or recreational purposes may be granted at reduced or nominal considerations in recognition of the public service to be rendered in utilizing the leased premises: *Provided further*, That preference shall be given to Federal, State, or local governmental agencies, and licenses, or leases where appropriate, may be granted without monetary considerations, to such agencies for the use of all or any portion of a reservoir area for any public purpose, when the Secretary of the Army determines such action to be in the public interest, and for such periods of time and upon such conditions as he may find advisable: *And provided further*, That in any such lease or license to a Federal, State, or local governmental agency which involves lands to be utilized for the development and conservation of fish and wildlife, forests, or other natural resources, the licensee or lessee may be authorized to cut timber and harvest crops as may be necessary to further such beneficial uses and to collect and utilize the proceeds of any sales of timber and crops in the development, conservation, maintenance and utilization of such lands. Any balance of proceeds not so utilized shall be paid to the United States at such time or times as the Secretary of the Army may determine appropriate. The water areas of all such reservoirs shall be open to public use generally, without charge, for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such water areas along the shores of such reservoirs shall be maintained for general public use, when such use is determined by the Secretary of the Army not to be contrary to the public interest, all under such rules and regulations as the Secretary of the Army may deem necessary. No use of any area to which this section applies shall be permitted which is inconsistent with the laws for the protection of fish and game of the State in which such area is situated. All moneys received by the United States for leases or privileges shall be deposited in the Treasury of the United States as miscellaneous receipts."

SEC. 210. Title II may be cited as the "Flood Control Act of 1954".
Approved September 3, 1954.

Short title.

Public Law 781

CHAPTER 1265

AN ACT

To amend certain provisions of title XI of the Merchant Marine Act, 1936, as amended, to facilitate private financing of new ship construction, and for other purposes.

September 3, 1954
[H. R. 9987]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1101 of the Merchant Marine Act, 1936, as amended (U. S. C., title 46, sec. 1271), is hereby amended to read as follows:

52 Stat. 969.

"SEC. 1101. As used in this title—

"(a) The term 'mortgage' includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, and a mortgage which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended;

"Mortgage."

41 Stat. 1000.
46 USC 984.

"(b) The term 'loan' includes any loan or advance of credit other than a mortgage loan;

"Loan."

"(c) The term 'vessel' includes all types of passenger, cargo, and combination passenger-cargo carrying vessels, tankers, tugs, towboats, barges, and dredges documented under the laws of the United States, and fishing vessels owned by citizens of the United States;

"Vessel."

- "Mortgagee." "(d) The term 'mortgagee' includes the original maker of a loan secured by a mortgage and his successors and assigns, except that in the case of a mortgage involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture; and the term 'lender' includes the original maker of any loan or advance of credit other than a loan secured by a mortgage, and his successors and assigns, except that in the case of a loan or advance of credit involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture;
- "Lender." "(e) The term 'mortgagor' includes the original borrower under a mortgage and his successors and assigns approved by the Commission; and
- "Mortgagor." "(f) The term 'actual cost' of a vessel as of any specified date means the aggregate as determined by the Secretary of Commerce of (i) all amounts paid by or for the account of the mortgagor or borrower on or before that date, and (ii) all amounts which the mortgagor or borrower is then obligated to pay from time to time thereafter, for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting, and equipping) of such vessel: *Provided*, That in no event, except for certain special purpose vessels as provided for in subsections (a) and (b) of section 1103 (46 U. S. C. 1273), shall the Secretary of Commerce pay as insurance under this title an amount in excess of 90 per centum of 75 per centum, or 90 per centum of 87½ per centum, as the case may be, of the amount paid by or for the account of the mortgagor or borrower for the construction, reconstruction, or reconditioning (including designing, inspecting, outfitting, and equipping) of such vessel."
- "Actual cost." SEC. 2. Section 1102 (46 U. S. C. 1272) is amended to read as follows:
- Federal Ship Mortgage Insurance Fund. "There is hereby created a Federal Ship Mortgage Insurance Fund (hereinafter referred to as the 'fund') which shall be used by the Secretary of Commerce as a revolving fund for the purpose of carrying out the provisions of this title, and there shall be allocated to such fund the sum of \$1,000,000 out of funds made available to the Secretary of Commerce under the appropriation authorized by section 1109 (46 U. S. C. 1279). Moneys in the fund shall be deposited in the Treasury of the United States to the credit of the fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States."
- Authorization of Secretary to insure mortgages. SEC. 3. Section 1103 (46 U. S. C. 1273) is amended to read as follows:
- "(a) The Secretary of Commerce, upon application by the mortgagor, is authorized to insure as hereinafter provided the interest on and 90 per centum of the unpaid balance of the principal of, any mortgage offered to him which is eligible for insurance as hereinafter provided and, upon such terms as the Secretary of Commerce may prescribe, is authorized to make commitments to insure any such mortgage prior to the date of execution or disbursement thereon: *Provided*, That in the case of special purpose vessels certified by the Secretary of Defense to be essential to national defense, the Secretary of Commerce may insure 100 per centum of the principal of and interest on any such mortgage eligible for insurance as hereinafter provided and upon such terms as the Secretary of Commerce may prescribe.

“(b) The Secretary of Commerce, upon application by the borrower, is authorized to insure as hereinafter provided the interest on and 90 per centum of the unpaid balance of the principal of, any loan offered to him which is eligible for insurance as hereinafter provided and, upon such terms as the Secretary of Commerce may prescribe, is authorized to make commitments to insure any such loan prior to the date of execution or disbursement thereon: *Provided*, That in the case of special purpose vessels certified by the Secretary of Defense to be essential to national defense, the Secretary of Commerce may insure 100 per centum of the principal of and interest on any such loan eligible for insurance as hereinafter provided and upon such terms as the Secretary of Commerce may prescribe.

“(c) Each insurance contract made under this section shall run to the mortgagee or lender and be for the benefit of such mortgagee or lender and the holders of the obligations secured by the mortgage or evidencing the loan, and if the mortgagee or lender is a trustee under a trust indenture, for the benefit of the holders of the bonds or notes issued under such trust indenture.

“(d) The faith of the United States is solemnly pledged to the payment of the interest on and 90 per centum of the unpaid balance of the principal amount of each mortgage and loan insured under this title.

“(e) The aggregate unpaid principal amount of the mortgages and loans insured under this section and outstanding at any one time shall not exceed \$1,000,000,000.”

SEC. 4. Section 1104 (46 U. S. C. 1274) is amended to read as follows:

“(a) To be eligible for insurance under this title a mortgage, excepting as otherwise provided in section 1106 (46 U. S. C. 1276)—

“(1) shall have a mortgagee approved by the Secretary of Commerce as responsible and able to service the mortgage properly; and a mortgagor approved by the Secretary of Commerce as possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the mortgaged property;

“(2) shall involve an obligation in a principal amount which does not exceed 75 per centum of the actual cost of the vessel, such actual cost to be determined by the Secretary of Commerce prior to the execution of the mortgage and such determination to be conclusive for the purpose of determining the principal amount of the mortgage: *Provided, however*, That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, which is eligible for mortgage aid under section 509 of this Act and in respect of which the minimum downpayment by the mortgagor required by that section would be 12½ per centum of the cost of such vessel, the obligation may be in an amount which does not exceed 87½ per centum of such actual cost; or, in the case of vessels purchased pursuant to the Merchant Ship Sales Act of 1946, as amended, for exclusive use on the Great Lakes, involve an obligation in a principal amount which does not exceed 75 per centum of the net purchase price of such vessels plus 75 per centum of the amounts expended for altering, modifying, converting, and equipping such vessels in excess of that purchase price, or 75 per centum of the amount which the Secretary of Commerce estimates will be the value of such vessel so purchased for exclusive use on the Great Lakes when the reconstruction or reconditioning is completed, whichever is the lesser;

Insurance contracts.

Pledge of U. S.

Aggregate unpaid principal, limitation.

Eligibility.

46 USC 1159.

60 Stat. 41.
50 USC app. 1735
note.

"(3) shall secure bonds, notes, or other obligations having maturity dates satisfactory to the Secretary of Commerce but not to exceed twenty years from the date of its execution;

"(4) shall contain amortization provisions satisfactory to the Secretary of Commerce requiring periodic payments by the mortgagor;

"(5) shall secure bonds, notes or other obligations bearing interest (exclusive of premium charges for insurance) at a rate not to exceed 5 per centum per annum on the amount of the unpaid principal at any time, or not to exceed 6 per centum per annum if the Secretary of Commerce finds that in certain areas or under special circumstances the mortgage or lending market demands it;

"(6) shall provide, in a manner satisfactory to the Secretary of Commerce, for the application of the mortgagor's periodic payments to amortization of the principal of the mortgage, exclusive of the amount allocated to interest;

"(7) shall contain such terms and provisions with respect to the construction, reconstruction, reconditioning, maintenance, purchase of a vessel for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946, as amended, or operation of the property, repairs, alterations, payment of taxes, insurance, delinquency charges, revisions, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters pertinent to the security as the Secretary of Commerce may prescribe;

"(8) shall secure a loan made to aid in financing, including payment of loans previously made to finance, and reimbursement of the mortgagor for expenditures previously made for, construction (including designing, inspecting, outfitting, and equipping) of vessels under title V of this Act, as amended, or the purchase by citizens of the United States of vessels for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946, as amended, or the construction, reconstruction, or reconditioning (including designing, inspecting, outfitting and equipping), subsequent to the enactment of this title, of vessels owned by citizens of the United States which are designed principally for commercial use (a) in the coastwise or intracoastal trade; (b) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (c) in foreign trade; or (d) in the fishing trade or industry;

"(9) shall provide that the mortgagor shall pay to the mortgagee the amount required for the payment of each mortgage insurance premium charge at least sixty days before the payment of such premium charge to the Secretary of Commerce is due, and shall further provide that the failure of the mortgagor to make such payment shall be a default under the mortgage;

"(10) may, in the case of a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in title V of this Act, as amended, with the approval of the Federal Maritime Board, provide that the sole recourse against the mortgagor of the United States as assignee of the mortgage for the payment of the principal of, and interest on, the mortgage and the bonds, notes or other obligations secured thereby shall be limited to repossession of the vessel and the assignment of insurance claims and that the obligation of the mortgagor for such principal and interest shall be satisfied and discharged by the surrender of the vessel and all right, title and interest therein to the United States: *Provided*, That the vessel upon

50 USC app. 1735
note.

46 USC 1151 et
seq.

50 USC app. 1735
note.

46 USC 1151 et
seq.

surrender shall be (i) free and clear of all liens and encumbrances whatsoever except the lien of the preferred mortgage, (ii) in class and (iii) in as good order and condition, ordinary wear and tear excepted, as when acquired by the mortgagor, except that any deficiencies with respect to freedom from encumbrances, condition and class may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the United States of claims of the mortgagor under such policies; and

“(11) shall contain such other provisions as may be agreed upon between the mortgagor and mortgagee, which are not inconsistent with the provisions of the preceding paragraphs of this subsection (a) and which are not disapproved by the Secretary of Commerce.

“(b) To be eligible for insurance under this title a loan—

Loans.

“(1) shall be made by a lender approved by the Secretary of Commerce to a borrower approved by the Secretary of Commerce as possessing the ability, experience, financial resources and other qualifications necessary to the adequate operation and maintenance of the property;

“(2) shall be made to aid in financing, including payment of loans previously made to finance, and reimbursement of the borrower for expenditures previously made for construction (including designing, inspecting, outfitting and equipping) of vessels under title V of this Act, as amended, or for the construction, reconstruction or reconditioning (including designing, inspecting, outfitting and equipping) subsequent to the enactment of this title, of vessels owned by citizens of the United States which are designed principally for commercial use (a) in the coastwise or intercoastal trade; (b) on the Great Lakes or on bays, sounds, rivers, harbors, or inland lakes of the United States; (c) in foreign trade; or (d) in the fishing trade or industry;

46 USC 1151 et seq.

“(3) shall be payable prior to or simultaneously with the execution of the mortgage;

“(4) shall provide that no advance shall be made thereunder unless the sum of such advance and the principal amount of all other advances under insured loans then outstanding at the time of said advance shall be less than 75 per centum of the actual cost of such vessel, such actual cost to be determined by the Secretary of Commerce and such determination to be conclusive for the purpose of determining the principal amount of the loan;

“(5) shall provide that the borrower shall pay to the lender the amount required for the payment of each loan insurance premium charge at least sixty days before the payment of such premium charge to the Secretary of Commerce is due, and which shall further provide that the failure of the borrower to make such payment shall give the lender the right to mature the loan;

“(6) shall bear interest at an average interest rate not to exceed the maximum rate permitted by paragraph (5) of subsection (a) of this section; and

Interest.

“(7) shall contain such other provisions as may be agreed upon between the borrower and the lender which are not inconsistent with the provisions of the preceding paragraphs of this subsection (b) and which are not disapproved by the Secretary of Commerce.

“(c) No commitment to insure a mortgage or loan shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the mortgage or loan will be executed will be, in his opinion,

Restrictions.

economically sound, and no mortgage or loan, unless made pursuant to a prior commitment, shall be insured unless the Secretary of Commerce finds, at or prior to the time the insurance becomes effective, that the property or project with respect to which the mortgage or the loan is executed will be in his opinion economically sound.

Authority of Secretary to fix premium charge.

“(d) The Secretary of Commerce is authorized to fix a premium charge for the insurance of mortgages and loans under this title. In the case of any mortgage insured under section 1103 (a) (46 U. S. C. 1273 (a)), such charge shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of the mortgage outstanding. In the case of loans insured under section 1103 (b) (46 U. S. C. 1273 (b)), such charge shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of the loan outstanding. Premium payments shall be made when moneys are first advanced under the mortgage or loan agreement and on each anniversary date thereafter. All such premium charges shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe.

Investigation of applications, etc.

“(e) The Secretary of Commerce shall charge and collect such amounts as he may deem reasonable for the investigation of applications for insurance, for the appraisal of properties offered for insurance, for the issuance of commitments, and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided*, That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the mortgage or loan to be insured. Unless otherwise agreed, the charge for any such services shall be paid by the mortgagor or the borrower.

Deposits.

“(f) All moneys received under the provisions of sections 1101–1109 (46 U. S. C. 1271–1279) of this title shall be deposited in the fund.”

Defaults.

SEC. 5. Section 1105 (46 U. S. C. 1275) is amended to read as follows:

“(a) (1) In the event of any act or failure to act which gives the mortgagee the right to foreclose, any such events being herein called defaults, and failure on the part of the mortgagor to remove and remedy the default within thirty days, the mortgagee shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for mortgage insurance, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of Commerce of the insured portion of the unpaid principal amount of said mortgage and of the unpaid interest thereon to the date of payment: *Provided*, That an assignment of the mortgage and of the obligations secured by the mortgage be tendered to the Secretary of Commerce at the time such demand is made. The Secretary of Commerce may at any time during the continuance of any default notify the mortgagee in writing, specifying the default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the mortgagee, and the mortgagee shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the mortgagee shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary of Commerce shall accept the assignment and promptly

pay to the mortgagee the insured portion of the unpaid principal amount of said mortgage and unpaid interest thereon to the date of payment: *Provided*, That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand.

“(2) In the event of an act or failure to act which gives the lender the right to mature the loan, any such events being herein called defaults, and failure on the part of the borrower to remove and remedy the default within thirty days, the lender shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for loan insurance, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of Commerce of the insured portion of the unpaid principal amount of said loan and of the unpaid interest thereon to the date of payment: *Provided*, That an assignment of the loan agreement and of the obligations evidencing such loan be tendered to the Secretary of Commerce at the time such demand is made. The Secretary of Commerce may at any time during the continuance of any default notify the lender in writing, specifying such default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the lender, and the lender shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the lender shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary of Commerce shall accept the assignment and promptly pay to the lender the insured portion of the unpaid principal amount of said loan and unpaid interest thereon to the date of payment: *Provided*, That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand.

Rights of lender.

“(b) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) of this section shall be paid in cash.

Cash payment.

“(c) (1) In the event the Secretary of Commerce shall accept the assignment of a mortgage upon the default of the mortgagor pursuant to subsection (a) (1) of this section, he may institute foreclosure proceedings and in connection therewith repossess the mortgaged vessel forthwith and, subject to the provisions of section 1104 (a) (10) (46 U. S. C. 1274 (a) (10)), take such other action against the mortgagor that, in his discretion, may be required to protect the interests of the United States and of the mortgagee, as they may appear. Any suit may be brought in the name of the United States or in the name of the mortgagee and the mortgagee shall make available to the United States all records and evidence necessary to prosecute any such suit. If the Secretary of Commerce shall determine that the interests of the United States do not require foreclosure of the mortgage, he may make such agreement with the mortgagor

Foreclosure proceedings.

as in the opinion of the Secretary of Commerce will result in remedying the defaults. The Secretary of Commerce shall have the right in his discretion to accept a conveyance of title to and possession of the vessel from the mortgagor, and in the event of a sale under foreclosure proceedings, may purchase the vessel for an amount not greater than the unpaid principal amount of such mortgage and unpaid interest thereon. In the event the Secretary of Commerce shall receive through the sale of the vessel an amount of cash in excess of any payment made to the mortgagee under subsection (a) (1) of this section and the expenses of collection of such amount, he shall pay to the mortgagee such cash amount to the extent that the mortgagee has not been made whole through other sources for amounts advanced to the mortgagor but in no event shall such payment to the mortgagee exceed 10 per centum of the unpaid principal amount of mortgage and the interest thereon, and any excess of the amounts thus due the Government and the mortgagee shall be paid to the mortgagor.

Action against
borrower.

“(2) In the event the Secretary of Commerce shall accept the assignment of a loan agreement upon the default of a borrower pursuant to subsection (a) (2) of this section, he shall take such action against the borrower or any other parties liable under the loan agreement or the obligations evidencing such loan thereunder that, in his discretion, may be required to protect the interests of the United States and of the lender as they may appear. Any suit may be brought in the name of the United States or in the name of the lender and the lender shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right in his discretion to accept a conveyance of title to and possession of the property from the borrower, and may purchase the property for an amount not greater than the unpaid principal amount of such loan and unpaid interest thereon. In the event the Secretary of Commerce shall receive through the sale of the property an amount of cash in excess of any payment made to the lender under subsection (a) (2) of this section and the expenses of collection of such amount, he shall pay to the lender such cash amount to the extent that the lender has not been made whole through other sources for amounts advanced to the borrower but in no event shall such payment to the lender exceed 10 per centum of the unpaid principal amount of loan and the interest thereon, and any excess of the amounts thus due the Government and the lender shall be paid to the borrower.

Right of Secretary to complete,
operate, or sell
property.

46 USC 1101 et
seq.

“(d) Notwithstanding any other provision of law relating to the acquisition, handling or disposal of property by the United States, the Secretary of Commerce shall have the right in his discretion to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to the assignment as provided in this section and may place the mortgaged vessel in the national defense reserve or may sell the same upon competitive bids for not less than the minimum sales price provided by the Merchant Marine Act, 1936, as amended. The buyer shall be required to make cash payment to the Secretary of Commerce of not less than 25 per centum of the sales price, and the balance shall be paid in equal annual installments over the remaining period of the expected useful life of such vessel. Interest at the rate of 3½ per centum per annum shall be paid on all such installments of the purchase price remaining unpaid.

“(e) Any contract or commitment of insurance entered into by the Secretary of Commerce under the provisions of this title shall not be terminated, canceled, or otherwise revoked for any reason,

except as provided in section 1105 of this title, and shall be conclusive evidence that the mortgage or loan complies fully with the provisions of this title and of the approval of the principal amount, interest rate, and all other terms of the mortgage or loan and of the mortgagor or borrower and of the mortgagee or lender; and any contract or commitment of insurance so entered into shall be incontestable from the date as of which such contract or commitment is entered into, except for fraud, duress, or mutual mistake of fact."

46 USC 1275.

SEC. 6. Section 1106 (46 U. S. C. 1276) is amended to read as follows:

"No provision of this title shall be construed to authorize the Secretary of Commerce to insure a mortgage securing any loan or advance made prior to the enactment of this title, and no mortgage shall be insured for refinancing in whole or in part any existing mortgage indebtedness except—

Prior loans; re-financing.

"(1) where a substantial portion of the total amount to be secured by the new mortgage, not to extend beyond the maturity date of the original mortgage, shall be applied to new construction, reconditioning, or reconstruction of one or more of the mortgaged vessels: *Provided, however,* That the aggregate amount of all mortgages insured under this paragraph and outstanding at any one time shall not exceed \$20,000,000, and provided that all of the eligibility requirements of section 1104 (46 U. S. C. 1274) not inconsistent with this paragraph are complied with;

"(2) where the Secretary of Commerce has insured a mortgage under the provisions of this title, and the mortgagor thereafter makes application to the mortgagee or another lender for an additional loan or advance for reconditioning or reconstructing the mortgaged property, the Secretary of Commerce may insure a new mortgage, not to extend beyond the maturity date of the original mortgage, in the amount of the principal outstanding balance of the original mortgage plus the amount of the additional loan, provided the amount of the additional loan is within the limits of paragraph (2) of subsection (a) of section 1104 (46 U. S. C. 1274) and the new mortgage conforms to the eligibility requirements of all the other paragraphs of said subsection (a);

"(3) where the Secretary of Commerce has insured a mortgage under the provisions of this title, the Secretary of Commerce may insure a new mortgage for the purpose of refunding such mortgage: *Provided,* That the principal amount of the new mortgage shall not exceed the then unpaid principal amount of the original mortgage; that the interest rate on the new mortgage shall not be higher than the interest rate on the original mortgage; that the maturity date of the new mortgage shall not be later than the maturity date of the original mortgage; and that the new mortgage shall otherwise conform to the eligibility requirements of subsection (a) of section 1104 (46 U. S. C. 1274); or

"(4) the Secretary of Commerce may insure mortgages given to finance the purchase of vessels theretofore acquired by the fund under the provisions of section 1105 (46 U. S. C. 1275) and to secure loans or advances made for reconditioning and reconstruction of such vessels."

SEC. 7. Section 1107 (46 U. S. C. 1277) is amended to read as follows:

"Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that such loan or advance of credit shall be offered to or

False statement, etc.

accepted by the Secretary of Commerce for insurance, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage insured by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of the said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 806 (b) of this Act."

46 USC 1228.

SEC. 8. Section 1108 (46 U. S. C. 1278) is amended to read as follows:

Rules and regulations.

"The Secretary of Commerce is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this title."

SEC. 9. Section 1109 (46 U. S. C. 1279) is amended to read as follows:

Appropriation.

"There is hereby authorized to be appropriated the sum of \$1,000,000 and such further sums as may be necessary to carry out the provisions of this title."

Approved September 3, 1954.